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YORKSHIRE
STAR CHAMBER PROCEEDINGS

VOL. IV.

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INTRODUCTION.

It does not seem necessary for any long introduction to be written to this present volume of "Yorkshire Star Chamber Proceedings"; seeing that the editors of the three preceding volumes—the late William Brown, Litt.D., and Mr. H. B. McCall—have so ably dealt with the history of the Star Chamber and the nature of the subjects that were adjudicated upon in that Court.

A few remarks, however, on some of the cases contained in this volume may not, perhaps, be unacceptable.

The subjects of most of the cases recorded in this volume are, of course, very similar to those published in the previous volumes, but there are one or two which, I think, are deserving of comment. The most interesting of the whole number appears to be that of the forcible abduction of Anne Cresacre from the Manor House at Bishop Burton. The case involved the question of the wardship of Anne, daughter and heiress of Edward Cresacre, of Barnborough. The estate appears to have been held of the King *in capite*, and, therefore, the custody and marriage of Anne appertained to the Crown. The allegation of royal wardship was, however, disputed by Ralph Rokeby, and he got the heiress married, or, at least, betrothed, to his son, John, at the premature age of five or six, his son being, we are told, of a similar age. It is alleged in the deposition made by Sir Brian Hastings that it was his opinion that Anne Cresacre was carried off by Sir Robert Constable "purposing after[wards] to have married her to his youngest son." This probably may have been the case. No such marriage seems, however, to have ensued, and when the lady was eighteen years of age, her marriage was, as Hunter, in his *Deanery of Doncaster*, tells us, bought of the King by Sir Thomas More for his only son, John More.

“Marriages,” as Hunter writes, “were rarely marriages of affection. Sir Thomas *bought* the marriage. But he bought the lady in mistake—‘upon error,’ says her grandson, ‘for another bodies land lying in the same town, as was afterwards proved.’ It is probable that one of the four coheirs of Dynham was intended.”

In a painting of the More family, at one time in the possession of the Lenthall family, but now of Mrs. Strickland, Anne, *née* Cresacre, figures as Sir Thomas More’s daughter-in-law. Her husband John More’s character was sufficiently strongly marked to be an object of jealousy to the King, by whom he was kept for some time in prison in the Tower, and was even condemned to death for refusing the oath of supremacy. He was deprived of his estates, but those of his wife were secured to her and her issue. John More died in 1547, and his widow, Anne, finally married, on the 13th June, 1559, George West, of Aughton, near Rotherham. She was his second wife, and, on the 8th September following, John West, his son and heir, married Anne More, the only daughter of John More. Both these marriages are recorded in the visitation of 1563. There is a brass plate, evidently once in the church, preserved at the hall at Barnborough. The inscription runs thus:

Anna filia unica et heres Edwardi Cresacre de Baronburgh, prope Doncastrum, in Com. Ebor., armigeri, nupta Johanni More, unico filio et heredi Thomæ More militis, quondam Domini Cancellarii Anglicæ, Quæ Anna ex hac vita decessit secundo die Decembris, anno ætatis suæ lviii, anno Domini mccccclxx viii. (See *Dictionary of National Biography*; see also Allen’s *History of the County of York*, iii, 167, 168.)

The case of James Rooke, shoemaker, *v.* his wife, Isabel, is interesting as connected not only with the Star Chamber Court, but also with that of the Consistory Court at York, the former apparently dealing with assault and ill-treatment, and the latter with the questions of divorce or separation and defamation of character. The allegations of the husband and wife are, as is the usual case, somewhat contradictory. From the latter’s Bill (p. 39) we learn that the trouble began so far

back as 1508 or 1509, and as Dr. Machell was, we know from wills, an official of the York Consistory Court as early as 1508, this allegation may possibly be true. The case of Isabel's alleged misconduct would seem to have been taken up by the ecclesiastical court about that time. The next step in the proceedings seems to have been the "purgation" made by the respondent, Wilkinson, in Kendal church, when he cleared himself—so his wife states—on his own oath and that of twelve compurgators ["twelve honest persons with him"], from the slander cast upon him by the Wakefield shoemaker. This is interesting, I think, as showing that the procedure under the Canon Law was similar to that of the Civil in this respect.

Dr. Machell appears to have done his best, according to Isabel's statement, to reconcile the parties, and the Mayor of York was generous surely in not only causing husband and wife "to sup together," but in offering them a bed value eight marks, or the equivalent in money.

The "curate," as he is styled, Dr. Knolles, vicar of Wakefield, also tried, apparently, his best to reunite the divided couple. Of this vicar some details are given in Taylor's *Rectory Manor of Wakefield*, whom that author speaks of as "one of the most celebrated preachers of his time." He was instituted vicar in 1502, and in 1527 became president of Magdalen College, Oxford, where he had been educated. He was buried in Wakefield church, in 1537. Taylor adds that he was tutor to Sir Robert Cecil, Earl of Salisbury.

The wife of the Star Chamber complainant states that Dr. Machell, the Commissary, "shewed unto Doctor Knolles a divorce made by the aforesaid Doctor Machell betwixt the said James and Isabel from bed and board," but how is this to be reconciled with the fact that the mandate issued by Cardinal Wolsey and exhibited to the Commissioners appointed by the Star Chamber states that the Commissary general only "gave them permission to live apart until God should otherwise dispose between them, provided they lived in chastity, but no divorce was pronounced."

The Cardinal's mandate is addressed, we note, "to all and

singular the rectors, vicars, chaplains with cures and without, and to all clerks and lettered persons whomsoever in all places whatsoever," subject to his legatine powers, and inhibits any of the persons addressed in the mandate from doing anything in the matter while "this complaint is pending."

In regard to ill-treatment, etc., however, the Star Chamber, as appears by the proceedings in the case, was left free to act, as guided by the certificate of Sir Robert Nevile and Thomas Grice, the Commissioners appointed by that Court.

Defamation of character, or slander, may possibly, in addition to conjugal ill-treatment, have had something to do with *Rooke v. Rooke*'s case being tried by the Star Chamber. "In taking cognizance of an action for slander the Star Chamber,"—writes Mr. Leadam, in *Select Cases in the Star Chamber*, vol. i, published by the Selden Society—"appears to have been extending lay at the expense of ecclesiastical jurisdiction."

As is usual in these Star Chamber cases we cannot learn how the matter was finally settled, as the decrees are not extant.

It is interesting to note that the copy of the Cardinal's mandate, to be furnished, if requested, to Isabel Rooke, was not to be charged more heavily than 12*d*.

How much more readily would a dispute between husband and wife have been settled by the magistrates at the present day, or even a divorce action between the parties by our present Court of Probate and Divorce !

The riotous disposition of the country gentlemen is largely illustrated in these Proceedings, such, for instance, as in the cases of *Stabill v. Husye*, *Monkton v. Constable*, as well as in that of *Rokeby v. Constable*.

The case, *Scawceby v. Raffles*, concerning the government of the town of Beverley (No. 36), is of no little interest. Other references to this matter will be found in the footnotes regarding it.

Clearly, the most sensational case is that in which the widow of Henry Wombwell, of Wombwell Hall, Esq., was charged by some of the estate tenants and household servants with the alleged crime of having poisoned her husband (No. 54).

The Proceedings printed in this volume conclude the list of those of the time of Henry VIII. It is regrettable that, in several instances, various portions of certain suits are scattered, as *disjecta membra*, through the four volumes published by our Society. This, however, could not be helped, the circumstance being due to the manner in which the various bundles of documents were sorted, or not sorted, at the P.R.O. In one case at least (No. 48), Proceedings of the time of Henry VII are found in a Henry VIII bundle, and this fact escaped the notice of the editor of that volume.

Many of the Petitions have the signatures of the barristers who drafted them subscribed to them. Several of these appear to have been Yorkshiremen. For instance, we have William Tankard, of Lincoln's Inn and Boroughbridge; and Palmes, probably Brian Palmes, of Naburn, third son of Brian Palmes, Serjeant-at-Law, of that ilk.

It is a pity that the cases could not have been arranged in chronological order in the four volumes issued by our Society, but this is owing partly to the fact that the year of the reign is not evident in the documents themselves, and partly to the circumstance, already alluded to, of the manner in which the bundles have been made up by those who put them together. Where portions of cases connected with other portions of the same cases contained in previously-published volumes occur, reference has been made to these in the notes to this volume, and in a table appended to the Addenda.

Regarding the spelling in these Proceedings, perhaps I may be pardoned for quoting from Dr. Johnson the following passage in his Preface to the 4th Edition, 1773, of his monumental work:

“As language was at its beginning merely oral, all words of necessary or common use were spoken before they were written; and while they were unfixed by any visible signs, must have been spoken with great diversity, as we now observe those who cannot read to catch sounds imperfectly, and utter them negligently. When this wild and barbarous jargon was first reduced to an alphabet, every penman endeavoured

to express, as he could, the sounds which he was accustomed to pronounce or to receive, and vitiated in writing such words as were already vitiated in speech. The powers of the letters, when they were applied to a new language, must have been vague and unsettled, and, therefore, different hands would exhibit the same sound by different combinations."

This statement of the learned Doctor's is assuredly well exemplified in these Star Chamber Proceedings.

There are not very many archaic obsolete words in this volume. A list of most of them will be found in the Addenda.

It is my duty and pleasure to express thanks for help given by Mr. Charles Clay, and the Society owes great gratitude to the Rev. C. V. Collier for compiling the Index.

CONTENTS.

	PAGE
Introduction	v
1. John Norton <i>v.</i> the Abbot of Fountains. <i>Riot and forcible entry</i> .	1
2. Bishop of Norwich and others <i>v.</i> Ralph Carr. <i>Riot and rescue of a distress</i>	3
3. John Stabill <i>v.</i> George Husye. <i>Seizure and detention of cattle</i> .	4
4. Thomas Stevenson <i>v.</i> William Fairfax. <i>Riotous rescue of a distress</i>	6
5. John Standishe <i>v.</i> Robert Bekkett and others. <i>Riotous rescue of goods taken in distress</i>	8
6. Bridget Stokes <i>v.</i> Sir Oswald Wylsthorpe. <i>Riotous breaking into a chapel in Bilton church</i>	9
7. George Mores and others <i>v.</i> the Abbot of Kirkstall. <i>Riotous entry into demised land</i>	12
8. Thomas Morton <i>v.</i> Charles Morton. <i>Riotous breaking down of a barn of six bays</i>	13
9. Charles Morton <i>v.</i> Robert Serleby and another. <i>Poaching and assault</i>	14
10. James More <i>v.</i> Richard and James Hill. <i>Assault and wounding</i>	15
11. Marmaduke Monkton and others <i>v.</i> Sir Robert Constable. <i>Riotous entry and detention of lands</i>	16
12. William Morton <i>v.</i> Sir Nicholas Fairfax. <i>Riotous entry, assault, and seizure of goods</i>	18
13. Brian Shires and others <i>v.</i> Sir Marmaduke Constable. <i>Forcible taking away cattle</i>	24
14. Sir John Roucliffe and others <i>v.</i> Robert Beckwith and Rich. Burgh. <i>Waste of Woods</i>	26
15. Thomas Leey <i>v.</i> William Fetherstonhaugh and others. <i>Riotous assault</i>	27
16. Ralph Rokeby <i>v.</i> Sir Robert Constable. <i>Forcible abduction of a ward</i>	28
17. James Rooke <i>v.</i> Isabel Rooke. <i>Quarrel between husband and wife</i> .	36
18. Nicholas Sandford <i>v.</i> John Thornton. <i>Wrongful imprisonment</i> .	41
19. Agnes Savell <i>v.</i> Thomas Savell. <i>Riotous taking away goods</i> . .	42
20. Thomas Savell <i>v.</i> Henry Savell. <i>Riotous assault.</i>	44

	PAGE
21. Robert Sarum <i>v.</i> Christopher Broughton and others. <i>Riotous and forcible eviction.</i>	47
22. Laurence Malham <i>v.</i> Thomas Hebdeyn and others. <i>Riot and breaking down enclosures</i>	47
23. Henry Saveyll <i>v.</i> William Partryche and others. <i>Riotous assault.</i>	48
24. John Proctor <i>v.</i> Thomas Blakburne and others. <i>Riotous and forcible entry of demised premises</i>	52
25. William and Joan Harbert <i>v.</i> John Trystram and others. <i>Breaking down enclosures</i>	53
26. Anne Hawkesworth <i>v.</i> William Knevett. <i>Forcible entry into and depasturing demised premises</i>	54
27. Thomas Harper <i>v.</i> George Barker. <i>Assault and imprisonment</i>	55
28. John London <i>v.</i> Robert Sheffield. <i>Wrongful arrest</i>	56
29. Christopher Lassells <i>v.</i> Richard Mansell. <i>Wardship</i>	59
30. Richard Tanckerd <i>v.</i> Thomas Harper and others. <i>Forcible entry into lands and assault</i>	60
31. Alice Tailour <i>v.</i> Roger Chomley. <i>Riotous seizure of cattle and murder</i>	62
32. Thomas Playn <i>v.</i> Christopher Steyll. <i>Riotous expulsion from a "farmhold"</i>	68
33. Anne Heslerton <i>v.</i> Ralph Bukton. <i>Riotous entry into messuage and land</i>	70
34. Roland Herbert <i>v.</i> Anne Hussy. <i>Riotous assault and taking turf</i>	72
35. Edward Hewetson <i>v.</i> Peter Man. <i>Riotous assault</i>	78
36. Thomas Scauceby <i>v.</i> John Raffles. <i>Riotous eviction</i>	80
37. John Johnson <i>v.</i> Sir William Gascoign. <i>Retaining money from a felon stolen from the plaintiff</i>	84
38. The Prior of Helaugh Park <i>v.</i> Roger Laselles, Thomas Fulborne, and others. <i>Forcible disseisin</i>	86
39. Richard Suthake <i>v.</i> Geoffrey Proctor. <i>Assault</i>	93
40. Robert Jakson <i>v.</i> William Grymston. <i>Illegal distraint</i>	94
41. John Tothe <i>v.</i> Thomas and Robert Wayne. <i>Riotous assault</i>	98
42. Jane and Oswald Sysson <i>v.</i> John Rawson and others. <i>Riotous distraint</i>	99
43. Roland Herbert <i>v.</i> William Butteler and others. <i>Forcible eviction</i>	101
44. William Witles <i>v.</i> John Garthe. <i>Forcible and riotous eviction and assault</i>	102
45. Tristram Teshe <i>v.</i> Adam Atkinson and others. <i>Riotous entry into, and occupation of, demised closes</i>	103
46. Christopher Risworth <i>v.</i> John Risworth and others. <i>Riotous and burglarious entry and assault</i>	106

CONTENTS

xiii

PAGE

47.	The Bishop of Worcester <i>v.</i> Robert Thomas. <i>Suicide</i>	107
48.	Walron Morton <i>v.</i> Thomas De la River. <i>Unjust disseisin</i>	108
49.	William Smythe <i>v.</i> Sir Thomas Johnson. <i>Rescue from Sheriff's bailiff</i>	109
50.	John Vavasour <i>v.</i> Richard Hamylton and others. <i>Riotous entry on lands and assault</i>	113
51.	Ralph De la Haye <i>v.</i> Thomas Colthurste and others. <i>Riotously carrying away hay</i>	114
52.	Rowland Herbert <i>v.</i> George Hussy and others. <i>Breaking into enclosed land and carrying away turf</i>	116
53.	Anthony Wright <i>v.</i> John Butler. <i>Riotous entry into a close</i>	117
54.	John Taylor and others <i>v.</i> Katherine Wombwell and Elizabeth Grene. <i>Alleged poisoning</i>	118
55.	Robert Normanvile <i>v.</i> Thomas and Robert Metham. <i>Affray re a distraint</i>	128
56.	Matthew Hartley <i>v.</i> Brian Luty and others. <i>Riotous assault and affray</i>	130
57.	Ralph Wryne <i>v.</i> Sir Robert Scargill. <i>Riotously entering into a close of land and carrying away hay</i>	130
58.	William Knevytt <i>v.</i> Thomas Grene and others. <i>Riotous assault and wounding</i>	133
59.	John Sudiby <i>v.</i> William Tomson and others. <i>Riotous assault and wounding</i>	134
60.	Edward Jackson <i>v.</i> Edward Gryffith and others. <i>Riotous assault</i>	135
61.	Gabriel Proctor and Thomas Halton <i>v.</i> the Earl of Cumberland and others. <i>Riotous distraint</i>	136
62.	John Harpam <i>v.</i> Richard Parker and others. <i>Riotous and forcible entry into a house</i>	138
63.	John Jetor and others <i>v.</i> the Mayor and Aldermen of Hull. <i>Overcharge for sale of herrings</i>	139
64.	Walron Morton <i>v.</i> John Coppeley. <i>Office of bailiff of the manor of Brafferton</i>	141
65.	John Starkey <i>v.</i> James Talyor and others. <i>Riotous and forcible entry</i>	142
66.	The Bailiffs and Burgesses of Richmond <i>v.</i> Richard Bowes. <i>Dispute re metes and bounds of Richmond and Aske</i>	144
67.	Petition of Monks of Whitby. <i>Asking for favour to be shown to their Abbot and their house</i>	145

CORRIGENDA.

- Page 4. Line 17. For *fes* read *pes*.
- „ 4. Last line of note 2. For *Henry VIII* read *Henry VII*.
- „ 5. Line 4 from bottom. For *hawe* read *have*.
- „ 7. Note. For *three miles from Wetherby and Otley* read *and Otley respectively*.
- „ 12. Line 10. Note 1 after *Cyrstall* should be placed in line 11 after *now ys*.
- „ 21. Line 15 from bottom. For *replican* read *replication*.
- „ 27. Note 1 is incorrect. See note 3 below it.
- „ 29. Line 7 from bottom of the text. For *beat* read *be at*.
- „ 87. Line 1. *Pare et Cui* seems to be a mistake in the document for *per et cui*. It is given correctly on page 90.
- „ 114. For *Rauf De la Haye v. Colthurste* read *v. Coulthurst and others*.

YORKSHIRE

STAR CHAMBER PROCEEDINGS.

I NORTON *v.* ABBOT OF FOUNTAINS.

To the Kyng ower lorde.

1530) Humbly schowyth and compleynith unto your hightnes your faithfull subject John Norton¹ of Norton in the countie of York that, where one Marmaduke,² late the Abbot of the monasteir of ower Lady of Fowntance was sesyd of and in 4 messuages, 20 acres of lond, 10 acres of medow with ther appurtenaunces in Thresfeld³ in Crauen in the countie of York in the ryght of his seid monasteir, and so beyng therof sesyd about 12 yeres past for the som of £10 to hym by the sayd John Norton well and trewly contentyd and payed in the name of a fyne, by the assent of his hole Covent, dymysyd graunted and to ferme lett all the said londys, etc., by Indenture under the Covent sele of the said monasteir unto your said subject and to his assignes for terme of 99 yeres then nex folowyng, paying to the said Abbot and Covent and to ther successors £4 6s. 8d., wich was 26s. 8d. by way of encrease more then the old usuall Rent of the same. In wich lesse there is a clause that if the said Rent be behynd by the space of 4 montheis nex after any daye of payment therof lymyted by the said lesse, that then it shuld be lefull to the sayd abbot and his successors to re-enter. So it is, soueren lord, that your said subject hath contynually att the tymes lymited in the said Indenture paid yerly the said Rent unto the fest of Saynt Wolfride in the 21 yere of your most Ryall Reyng, about wich

¹ John Norton, of Norton Conyers, father of Richard and of Thomas Norton, who took part in the northern rebellion, the former escaping abroad and the latter executed at Tyburn. John Norton married Anne, daughter and heiress of William Ratcliff, of Rilston. He died 16 Jan., 1556 (see *Dugdale's Visitation of Yorkshire*, edited by J. W. Clay).

² Marmaduke Huby, the last abbot but two of Fountains, appointed in 1494. His initials are to be seen, with the date of his election, on a shield held by a figure of an angel, on the west side of the tower, which we thus learn to have been completed during his term of office.

³ Threshfield, in the parish of Linton, six miles from Kettlewell.

daye the said John Norton offeryd the same rent to the Reseyvor of Wylliam¹ now abbot of the said monasterii, that hath of long tyme usyd to resceue the same rent, with other of the said abbotes rentes, and he that to resceue by commandement of the said abbot refusyd, surmittyng and saying that he wold within a lytyll tyme folowyng come for the same rent; wich disceytfull and dissymilyd refusell of the said rent was to thentent that the said abbot myght have som color to cause the said Norton to forfeit his sayd terme, so that the said abbot myght graunte the same for a nother gretter fyne to such other as he had promised the same byfore the said refusell of the said rent. And after the said abbot, folowyng his said wrongfull purpose, about the 6 daye of Februarii and in the said 21 yere of your most gracious reing with other riotors and misrulyd persons to the number of 12 persons unlawfully by hym assembled, riottusly arrayed, that is to sey with stafys, knyfes, billis and other maner of wepen of defence into the said messis, etc., riottusly and with force enterid, and with lyke force put your said subject clerly owt of possession therof, contrary to all good ryght and consciens; and your said subject hath no remedy to compell the said abbot to resceue the same rent and the arreragiis of the same by the comyn law; wherfore and for that the sayd abbot ys of so great substans and hath so many frendys and adherentes within the said countie, the same your subject is in daunger to lesse his said ferme for ever. In consideracion wherof plesith it yower hightnes of your most habundant grace to graunte your most gracijs writt of suppena to be directyd unto the said abbot, commaundyng hym to appere byfore your hightness and your most honorabill counsell in the Stare chamber at a certen day and under a certen payn by your hightnes to be lymityd, ther to answer to the premises and to abyde and obey all such orders directions and juggement in the premisses as may stonde to ryght and good consciens, and your sayd subject shall dayly pray to God for your most ryall estate in honor long to continew to the plesur of God. Doffell.

[Appended is:] The answer of William, Abbot of the monestery of Fountayns. He seyth as to the seyde ryott and other mysdemenors in the seide byll specyfyed, he ys not ther of ne of any parcell therof gyilty in maner and fourne as in the

¹ William Thirsk, successor to Marmaduke Huby, was apparently implicated in the second rising of the Pilgrims of Grace. He had been deprived of his office at Fountains in the beginning of the year 1536. He was condemned to death May 24, 1537, and afterwards hanged and quartered at Tyburn.

seyd byll of complaynt ys untruly surmyttyd; as to any other mater in the bill specyfyed, yf yt were true as yt ys not, yt ys determynabill at the comon law.

Norton, in his replication, repeats the assertions contained in the bill. (*Star Chamber Proceedings*, Henry VIII, Bundle xxvii, no. 173.)

2

BISHOP OF NORWICH AND OTHERS *v.* CARR.

To the kynges our souereyng lorde.

1531) In ther most humble wyse shoven unto your most excellent hyghnes your humbyll subjectis and dayly oratours Richard,¹ Bysshop of Norwyche, Christofer Carre and John Morpathe, that, where one George Carre of Nue Castell uppon Tyne, marchaunt, was seasid in his demeane as of fee of and in ye manor of Irby,² and of diverse other londis and tenymentes in the townes of Westrunton² and Irby in your county of Yorke, and so beyng seasid by hys dede intentyd, beryng date the last day of ye monyth of August in the 15 yere of the regin of your most famous father of his blessyd memory Kynges Herry the 7th, gaff and grauntyd unto the abovenamyd Richard, Bysshop of Norwiche, by the name of Richard Nyck, clerke, and to the aforeseid Christofer Carre and John Marpath, and to one Robert Bartram, Nicholas Carre, Jamys Carre, Thomas Penreth, Roberd Hodgeson and Roberd Watson, and to ther heiers and assignes a certeyn annuall rent or anuyte of eyght markes yerly to be goyng out of the seid manour and other the premysses, payabyll att certen days in ye same graunte conteynyed, with clause of distrez for non payment of the same, to the use of a prest perpetually to be found to syng at the alter of our Blyssyd Lady within the chirch of Seynt Nicholas in Neue Castell aforeseid, for the sowle of the seyde George and his frendis sowles, as by the seyde dede tripartyte indentyd, and also by the last wyll of the same George, declaryng the testament and last wyll of the same George, redy to be shewid unto the honorabyll curt, more evydently apperyth. By force of whych graunt the aforeseid Bysshopp and the others toke the seyde annuall rent of 8 markes, and were therof seasid in ther demesne as of fe; and the complainants

¹ Richard Nix, bishop of Norwich 1501–1536.

² Irby is a farmhouse in the parish of West Rounton, or Rounton, seven miles north-east of Northallerton. See *Yorkshire Deeds*, i, 98, where are given some details relating to the Carr family.

overlyved the other feoffees; and for as moche as the seid rent was behynd and not payed by the space of one hole yere at the fest of Seint Michell the archaungell in the 23 yere of your most nobyll reign, one Richard Belle as servaunt of the complainants and by ther commandement, entered into the premyssez and for the seid rent ther distreynynd four score kene, and them as a lawfull dystres takyn for the arreragis of the seid rent retenyd to such tyme as one Raffe Carr, gent., John Stranguyssh, John Ward, William Ward, with diverse other evyll dysposid persons to the nomber off 14 persons the Munday next befor the fest of All Seyntes in the 24 yere aforeseid, of ther prepensyd malyce, ryoutusly and onlawfully assembled them at Westroungton aforeseid, and ther in forcyble and rioutuse maner rescued, and toke from the seyd John [sic] Bell, servaunt of your seid subjectes the forseid distres to the grett hurte and hinderance of your seid subjectis and ayen your lawes and fes, to the evyll ensample of all other evyll disposyd persons in these parties. In consideracion wherof yt may plese your highnes, the premyssez consideryd, to graunt the kynges writtes of Subpena to be directed to the seid Raffe Carr and the others, commandyng them and either of them by the same personally to appere before your highnes in your starre chamber at a certen day [etc., as usual].

[Appended is:] The answare of Raffe Carre, gent. He seyeth as to any ryott, rescous, force and armis, unlawful assemble, or eny other mysdemenor surmysed and alleged by the seyd byll of compleynt to be by hym commytted contrary to the kynges peas, that he is nott gyltye therof; as to the resydue of the matter, it is determynable att the comen lawe, unto which he prayeth to be remytted. (*Ibid.*, Bundle xxvii, no. 174.)

To the kyng our soueraygn lorde.

(c.1532) In most lamentable wyse complenyth unto your heignes your trew and faythfull subject and daly orator John Stabill of Northe Duffeld¹ in the countye of Yorke, yoman, that, where as the seid John was late servante and bayllif and resever unto your trew and faythfull subject Sir William Husy, knyghte, late contrawler of Cales,² of his maner and lordship of Northe

¹ North Duffield, in the parish of Skipwith, five miles from Selby.

² Sir William Hussey, or Husey, son of Sir John Husey, Kt. (see *Fines*, 18 Hen. VIII), married Anne, daughter and heiress of Sir John Salvin.

Duffeld and all other his maners and landes in the seid countye of Yorke, which he had in the righte of Dame Anne Husye his wyfe, whiche Dame Anne ys yet alyve, and after the deyth of the seyde Sir William did enter and occupye the same maners, etc., as her inherytance by the space of one hole yere and more unto the tyme that the seyde Dame Anne, by medyacjon of frendes dyd demyse and let the same landes unto one George Husye, hyr son and heyr apparaunt, for terme of certen yeres, the seyde terme to begynne at the fest of the Annuncyacion of oure Lady last past; by reason wherof the seyde George hathe enteryd into the seyde maners and other the premysses, and the same occupyeth by reason of the seyde lease; So yt ys, most gracyous lord, that the seyde George Husy sence his entere into the seyde maner hathe of hys couytous, malycyous and evyll dysposyd mynd, for rancor and malyce that he beryth unto your seyde Orator, wrongfully takynge from your seyde Orator dyverce of hys catell, as horse, mares, oxen, kyen and other catell to the number of four score of dyvers ages, withoute any color of justice or righte, but only of his insacyable couytous mynd, intendyng by such oppression to have the goodes of your seyde orator, and without any cause resonable. Yet the seyde George Husye, moreover to fulfyll his most cruell, craftye and myscheuos mynde, not contente wythe the wronges that he hathe done to your seyde orator, by moreover to colour hys seyde mysdemeanor, hath caused your seyde orator for to be attached for felonye, that he supposethe your seyde orator hathe done of longe tyme paste, and by color of the same dothe wrongfullye retene the catell of your seyde orator, he nether beyng indyted nor attaynted for any suche felonye, nor otherwyse usyng hymselfe agaynste the kynges lawes, by reason whereby he shuld forfeate any of his seid gooddes or catell to the seyde George Husy, havynge no maner of lybertyes by reason whereof he oughte to have any of his seid gooddes, yf any cause of forfeiture of the same gooddes (as ther ys not) wer. And albeyt, soueraygn lorde, your seyde orator hath oferyd unto the seid George Husy sufficyent suertye to have

He died Dec. 22, 1530, and administration of his property was taken out in 1531. Regarding his office of Controller of Calais, there is the following entry in the *Exchequer T. R. Misc. Book*, 272, fo. 467, at the Record Office:

"Controlment delivered by George Husey, Esq., son and heir of Sir William Husey, Kt., and administrator of the goodes of the said William, late Controller of the Town and Marches of Calais in the time of the said Sir William, viz., from Mich. 22 Henry VIII to 22 Dec. following, on which day the said Sir William died."

George Husey was succeeded in the North Duffield estates by his son and heir, William Husey (see *Fines*, 24 Hen. VIII).

aunsweryd hym of all maner of thynges that he shuld lay unto his charge accordyng to the law, yet he wyll not suffer your seid orator to have the seid gooddes accordyng to the law, for lake whereof your seid poure orator, his wyfe and children, ys lyke to periche, to the most perilous ensample of all lyke offenders yf dew reformation of suche greate oppressions and extorcions be not hastily made and shewid. In tender consideracion whereof, the premisses tenderly consydneyd, yt wolde please your heighnes to dyrecte youre gracious commandement unto the seid George Husye, commaundyng hym by the same, upon the seight thereof, to deliver unto your seid orator the seid catell, and also personally to appere before your most honorable counsell to answer unto the premysse; and your seid orator shall daly pray for the preservacion of your noble grace long in honor to endure. (*Ibid.*, Bundle xxviii, no. 36.)

To the kyng our souerayne Lord.

(c.1528) In most lamentable wise shewith unto your highnes your poore subject and daly orator Thomas Stevenson¹ of [London], pasteler,² that where as one William Fairefax³ of Steton⁴ in the countie of the Cite of York esquier, abowte 4 yeres past came unto the dwellyng house of your orator in London, and then and there required to borrow of him the somme of four score pounds; and your suppliant, not then havynge so moch in redy money, delivered unto the said William £80 in redy money and wayres, for the sure payment whereof the said William by his obligacion of the statute of the staple redy to be shewid, bound hymself in the said somme of £80 to the said Thomas Stephenson; and at the tyme of payment specified in the seyde Estatute your seyde orator dyvers tymes required the said William of payment thereof, which to doo the said William dyd refuse and yet doth; by reason whereof your seyde Orator came into your most honorable Court of Chauncere,

¹ Thomas Stevenson, of London.

² "Pasteler," a pastry cook.

³ William Fairfax, of Steeton. See vol. ii, p. 36, and note at foot, in which is quoted his will and other particulars. He married Isabel, daughter of Thomas Thwaites, of Denton, Askwith, and Davy Hall, in York, and heiress of her brother, John Thwaites. William Fairfax died Oct. 31, 1558. He was High Sheriff of Yorkshire in 1534 and 1539.

⁴ Steeton, in the parish of Bolton Percy.

and there purchesyd a writ of *extendi facias* directed unto the sheref of the counte of York then beyng; by force whereof the seyde sheref accordyng to the tenor of the same writ extendyd the manors of Howden, Clyfford and Denton,¹ in the counte of York, to the yerely value of £60; and soe the seyde Sheref retornyed the same into your seyde most honorable Court of Chauncere. And afterward your seyde orator obtenyd a writ of *liberate* directid to the seyde Sheref to put your seyde orator in possession by force whereof your seid orator by one Leonard Bekwith, gentelman, and other his attorneyes auctorisyd by your seyde orator, was put in possession the 10th dey of July the 20th year of your reigne according to the due ordre of your lawes. And afterward your seyde orator mayde the seyde Leonard his lawfull attorney to ressave lesse and take all the issues, revenowes and profettes of the seyde landes and tenelements so extendid; and, for the rentes and fermes due next after the seyde maners so extendid for the fest of lammes, the seyde Leonard as attorney unto your seyde orator came to the tenaundes at Howden afforeseyd, and required of them payment of there sayde rentes, which aunsweryd and seyde that the seyde William had giffen them in commaundement that they shulde not pay no rentes nor fermes to your seyde orator, nor to no other in his nayme. And within 6 dais after the seyde Leonard as attorney to your seyde orator distreyned 30 oxen hors' and kyen of the tenandes of the landes so extendid, and them brought to the Comen ponde at Howden, beyng a libertie within it self, and all maner of proces aswell replevyns as other accionz be there graunted by the stuerd and bailey there. And afterward the seyde William replevyd the seyde cattell accordyng to the custome and ordre within the sayme. And afterward the seyde Leonard as attorney for your seyde orator came before the stuerd there, at the next court there holden, and forasmoche as there were no declaracion agaynst the seyde Leonard, he, accordyng to ye ordre of the lawe prayde retorne of the seyde cattell; and he came to the next court after yt there holden, and prayd as he did affore, which to haue the seyde stuerd refusyd, which was by the speciall mayntenance and beryng of the said William. And afterward, most drad Souereigne lord, the seyde Leonard Bekwyth, attorney unto your seyde orator, and one John Smyth, his servande, abowte 6 days after Michaelmas next after the seyde maners so extendid,

¹ Clifford and Denton, in the parishes of Bramham, three miles from Wetherby, and Otley. Denton was acquired by the Fairfax family by the marriage of Sir William with Isabel Thwaites in 1518.

came to the seyde maner of Denton, and also required the tenauntes there to pay there rentes to your orator, which to do they refusyd, and seyde that they were commaunded by the seyde William to pay neyne to your seyde orator, nor to no other in hys nayme. Wherupon the seyde Leonard and his servande and one being bailey arrant within the sayme counte distrenyd certan cattell to ye noumbre of 80 or thereupon, beyng within the sayme maner of Denton. And so it was that divers riotus persons to the noumbre of 60 persons or therupon, in riotus maner with swerdes buklers bills and clobbes, with there faces coveryd, that no man myght knowe them, by the commaundement of the seyde William, mayde rescous of the seyde Leonard and the other afforenamyd, and the cattell so by them in distres riotusly toke and caryd away, and then and there them manyshed and thret to bet and murdre them, whereby they were put in feyre of there lyves. And furthermore the seyde William is so akynnyd and alyed within the sayme counte, and your poor orator dwelling fer from those parties, your orator can have no remedy there by the course of the comen lawe. And also your orator hath spent the most parte of his substance for the optenyng of his true dett agaynst the seyde William to the value of £40 and more, over and above the seyde somme of £80, by reason wherof your orator is now brought to extreme pouerte. In tendre Consideracion pleas it your highnes of your most haboundant goodnes to graunte your writ of *suppena* [etc.].

Joh's Rastell.

(*Ibid.*, Bundle xxviii, no. 37.)

To the kyng our soueryng lorde.

(c.1534) Humbly shewith unto your highnes your trew and fathfull subject John Standishe of Lancastre, gentilman, that where the Ryght Honorable Robert Erle of Sussex¹ is seide of the lordship and the maner of Burton in Lonsdall² in the countey of Yorke accordyng to certeyn Covenandes comprisid in a payr of Indenturz therof made betwyn the seide Erle and Edwarde,

¹ Robert, Earl of Sussex. Robert Radcliffe, or Ratcliffe, first Earl of Sussex, 1483-1542.

² Burton-in-Lonsdale, in the parish of Thornton-in-Lonsdale, three miles from Ingleton.

Erle of Derby¹ and Lady Ane, Countesse of Derby, mother to the seide Edwerde; and the seide Erle of Sussex to ferme did lette the seid manor of Burton with all the appurtenances for term of certeyn yerez yet enduryng. So is it, gracious lorde, that one Robert Bekkett, Edmonde Tateham, Thomas Tateham and Miles Lunde of the same countey, of their malicius entent purpossid, accompanyde with 60 riotous persons the namys of whom be unknowne to your seid subject, the eight day of Junii in the 26 year of your moste gracios reigne [1535], with force and armes, that is to say with bowes, arrowes, billes, swerdes and other wapons invasyve and defensye after the maner of warre, in and to the seid maner with force entered, and the heges and diches of two closis and wooddes, being parcell of the demeasnes of the seide maner, callyde the Hierwoode and the Lower Woode, riatusly with force cast and pullyd downe and not only brynt and consumyde the seide heges and cast doune the diches, but made rescous of suche goodes and cattalles of your seid subject then takyn of dyverse of the seide tenantes of the seid maner in distres for there rentes beinge behynde and not payde at the dais there accostomyde; and eftsones after with other the seyde tenautes and inhabytantes of the seid maner, beyng of there alye and affinyte, and ther by unlawfully among them sellffe confetteryde, swere and promissede ich of them to other to maynteygne abete and sustene as muche, as in them myght be, to support the seyde unlawffull acte, and that to the dangerus perill of the hurte kyllyng or mahemyng of your seide fathfull subject and his servautes contrary to your gracios lawes and ordenances in that behalfe by your seide grace and other your most noble progenitorz ordenyd, if remedy in that behalfe be not provydyde by your seyde hegnes and other your most noble counsell [etc.]. (Praying *subpena* in the usual form.) (*Ibid.*, Bundle xxviii, no. 38.)

6.

STOKES *v.* WYLSTHORPE.

To our souuerayne Lord the kyng.

e. 1536) In most humble wise shewith to your highnes your true and dayly oratrix Brygget Stokes wedowe,² late wife of Robert

¹ The Peerages say that this Earl of Sussex married *Margaret*, daughter of the second Earl of Derby, but in this Star Chamber case Edward, the third Earl, is represented as the son of *Anne Stanley*.

² Bridget Stokes, widow of Robert Stokes, of Bickerton, was the fourth wife of Sir William Gascoigne, of Gawthorpe. She brought an action in the

Stokes, whyle he lyued of Bykerton¹ in the parishe of Bylton in your countye of your cytye of Yorke esquyre, that, wher ther is a certeyne chapell adjoynyng to the south syde of the Church of Bylton, called Stokes chapell, in the which chapell the sayd Robert and all his auncetors, havynge a greate part of their inheritaunce lying within the same parishe, of long tyme have hadd and used a pewe or a sete for them and their wyfes and childe at all such tymes as they were disposed to serve God in the same church withoute interrupcion of any man; and, in concyderacion that the sayd chapell hath soo of long tyme been occupied only by the sayd Robert Stokes and his auncetors with their wyves and famulyes, your oratrix of late didd bestowe and ley ought dyvers greates of money uppon the buyldyng and reparacion of the same chapell, to thentent she and her chuldre mought have the more ease and commodytie to serve God within the same. And so it is, most dradd souuerayne lord, that on Sir Oswald Wylsthorpe, knyght,² Seth Snawsell, esquyre,³ Rauff Walwyn, Anthony Hardwyk, John Halylee, Thomas Satton, Edward Colynson, Thomas Aplegarth, prest, John Carbut, William Wilson, Richard Brygnell and Christofre Parker, bearyng extreme malice and displeasure toward your sayd pore oratrix, by the procurement of the sayd Oswald, togeather with dyuers other mysruled persones to the noubre of fourty persones in all, the 19th day of March in the 27 yere of your most victorious reygne [1537], beyng riatously assemblid at the said church of Bilton, than and ther with force and armes, that is to say with swardes, buklers, and other defensyble armure and wepons in riatous maner vyolently brake open two dores and two lokkes belongyng to the said chapell, and also with many greates abomynable othes and hye bragges and crakes than and ther

Star Chamber against Sir William's son. See *Yorkshire Star Chamber Proceedings*, iii, 93; see also *Yorkshire Chantry Surveys*, ii, 241.

¹ Bickerton, in the parish of Bilton, four miles from Wetherby.

² Sir Oswald Wylsthorpe. See note on *Yorkshire Star Chamber Proceedings*, iii, 70: "Maister Oswald Wylsthorpe" and his wife were admitted to York Guild of Corpus Christi in the year 1527. Wilstrop, whence the family got its name, is in the parish of Kirk Hammerton, some three miles north of Tockwith.

³ Seth Snawsell, gentleman, and Elizabeth, his [first] wife, were admitted members of the York Corpus Christi Guild in 1483. He was the son and heir of William Snawsell, alderman of York, and died May 20, 1537. John, son of Seth Snawsell, Esq., of York and Bilton, by his first wife, Elizabeth Daville, daughter and heiress of William Daville, Esq., was heir of William's brother, Thomas Daville, Esq., whose second wife was Anne Stokes, daughter of Robert Stokes, of Bickerton. See *The Guild of Corpus Christi, York*, Surtees Society vol. for 1871, pp. 133, 167.

furthermore brake and kest downe the sayd pewe or sete, which was ther sett uppe only to serve God in such wyse as is before expressed; and not only thus contented, but the sayd Oswald Wylsthorpe of his further perversyd mynde, intendyng to make a further quarrell to your sayd oratrix, with a loud voyce demaunded the questyon if any of the servauntes of your oratrix were than or ther present. Wherunto one Anthony Wardell, one of the servauntes of your sayd oratrix, answered in gentle facyon, beyng sore in dought braynles furye of the sayd Oswald, saying to hym that he to his knowlege neuer offended nor would not wyllingly offende [the sa]me Oswald. Which gentle aunswer notwithstanding the sayd Oswald, takyng his sworde in his hande, most cruelly threte[ned the] sayd Anthony with greate ny detestable othes, say[ing] and swearyng he wuld lay his sword upon the face of y and also kytt of his e and his legges and sende hym home to your sayd Oratrix, not only to the greate ny but also to the [per]illous example of all such lyke offenders if condygne ponyshment [etc.].

The answer of John Carbott to the surmysed byll of compleynt of Brygyt Stookes, wydow.

He saith that true it ys ther is a certeyn chappell adjoynyng the south side of the churche of Bylton callid the church chapell, wherin a chauntery preist long tyme before did use to syng and say mase and other devyne seruice; and within the said chapell aswell Master Snawsell and dyvers other parishenners as the seid Stookes have used for to sitt or knele within for to here the seruice of God; and so did contynue long tyme quyetyly unto now of late that the seid compleynaunt, of hir presumptuous mynd did mak particion, and made seuerall the seid chapell from the church, only for thentent that none of the seid parishenners shuld come and here mase and other devyne seruice in the seid chapell, as they of olde tyme haue bene accustomed to doo. And for that she did kepe the dore of the seid chapell, which she had newly made, alway loked, contrary to the custom and usege of the seid church, and wold not suffer the seid chauntry preist for to sey mase at the alltar in the seyde chapell, nor suffer none of the parisshe[n]ners to come into the same to her mase, [etc.], one Sir Oswald Wylstrop, in the surmysed bill namyd, one servaund and one preist with hym, came in peaseable maner, and ther, for so mych as the seid chapell dore was loked, the said Master Wylstrop, at the sufferance of the churchwardens, quyetyly openyd the seyde chapell dore only for the entent that [the prei]ste shuld syng mase at the seyde altar;

and so he did, without that that [any] weapon or force was used; the said 19th of March being Sunday, the people had assembled to hear divine service. (*Ibid.*, Bundle xxviii, no. 54.)

7

MORES v. ABBOT OF KIRKSTALL.

To the kynge owre souereyn lorde.

(c. 1532) In moost humble wise sheweth unto your highnes your true and faythfull subgettes George Mores, Wyllyam Mores, Rauff Mores and Mary Mores that, wheare one James Mores, father to your seid Orators hadde of the demyse of the Abbott of Cyrstall¹ yn the countye of Yorke, predecessor of the abbott that nowe ys, a messuage in the manor of Chapell Towne² of the yearly value of fyve nobles, for the which graunt so thus to be had the seid James enhaunced 6s. of yerly rentt of the premyssez to the seyde abbott, more then before the lees therof so made, in the which manor ther is and owte of tyme of mynde hath byn used suche custome that all suche persons to whom eny graunte or demyse have byn made of eny londes or tenementes lyeng within the seid manor by the seid abbott or his predecessors, shall and maye peasably occupye and enjoye the same londes and tenementes so graunted, as long as they lyve, payeng the rentes therupon reserued, but also, after the decese of suche persons to whome suche landes and tenementes be graunted, the wyffe or wyves of suche grauntes, yf they haue eny suche, shall yn lekewyse occupye and injoye the same as long as they lyve, payeng the rentes reserved to the lessors, withowt eny expulcyon or puttyng owte. By force of whyche graunte the seid James occupied the premyssez duryng his lyfe; and after his deth one Johane Mores, wyffe to the seyde James, and naturall mother to your seid orators, perseyving that your seid orators, heir chyldern, were but yong and not able to help them selves, made grete labour to John, nowe abbott of Crystall, that he wolde be contented that your orators myght haue the same for terme of theyr lyves after the custome of his seid manor of Chappell Towne aforeseid, payeng the rentes reserued upon the seyde former graunt, [sayeng] she wold be content to surrender her interest and tytyle in the prem-

¹ "Abbot of Crystall." This abbot was John Ripley *alias* Browne, last abbot of Kirkstall, elected July 21, 1528. He surrendered the abbey to the Crown Nov. 22, 1540.

² Chapeltown, Leeds. For previous proceedings in this case see *Yorkshire Star Chamber Proceedings*, ii, 153, and also iii, 12.

yssez. Wherwith the seid Abbott agreyd, and graunted that your orators shuld haue the same joyntlye as long as they lyved, payeng the rentes reserued therfore. Your orators were in possession thereof [accordingly] by the space of 2 yeres or nye therabout, and there frendes dyd occupye and sowe yerly certen parcelles of the seyde londes wyth corne, and payed the rentes reserued. And so it is that the seid Abbott, ynfect with couytoz, not regarding his graunt and promyse, but perceyuing that ther was corne groyng upon parcell of the seid lond by the manurans and labor of the fryndes of your seid orators, the 4th daye of December in the 24th yere of your moste ryall reygne comaunded one Robert Jenyn and dyuers other his seruauntes into the seid mesuage and londes to enter and therof to expel your seid subjectes by force. By force wherof Jenyn, accompanied by fyve or syx other servauntes of the seid Abbott, yn ryotous maner arrayed, that ys to sey, with swerdes, buklers, bylls, bowes and arowes, on the seid daye by force expelled your subjects, and so taketh the proffyt and benyfytt of the premysse to his own use, to the utter undoyng of your seyde power subjectes, to the moste parlyos example [etc.].

Endorsed with an order in Council, 11 Feb., for a *subpœna* in £100 to issue to John, Abbot of Cristall, to appear before the King and Council at Westminster in a month of Easter, at the suit of George Mores and others.

Attached to the above is another bill to the same effect, but with slight variations; here the premises are said to be worth £5 a year, and the rent was 40s. a year. James made a will, naming his wife executrix, and leaving his children, some of them "not passing the age of 4 or 5 yeres."

This is endorsed with an order for a commission to issue to Sir William Gascon, the elder, knight, Sir William Mawleuerere, knight, Peter Myrfeld, esquire, and Christopher Danby, esquire, to examine and determine this matter, or otherwise to certify the King and Council in the Octave of St. John the Baptist next coming; *and also*: Before the King and Council in the Octave of St. J. B. next. (*Ibid.*, Bundle xxviii, no. 71.)

To the kyng our Soueraigne Lord.

In most lamentable wyse shewith unto your Highnes your trewe and faythfull subjecte Thomas Morton, servant to the excellent prynces Your most derest doughter, That where your

seyd subject was seised in his demeane as of fee by good and just title of a tenement and landes to the same belongyng in the towne of Bawtre, co. Yorke, and possessed the same peasably till, abought half a yere past and more one Charlez Morton of Bawtre aforeseyd, with divers evyll dissposed persons to your poore subject unknowen, in ryottusse and forcible maner contrary to your lawez with force of armes did enter into the same tenement, and a barne of six bayes, parcell thereof, riottusly brake, tare and pluckkyd downe, and the tymber of the same conveyed aweye, to the grett losse and damage of your poore subjecte and the peralousse exsample of lyke offenders; and not only this, most graciouse soueraign lord; by the unlawfull supportacion and berynge of the seyde Charlez, one Thomas Hobson, beyng outlawed at the sute of your seyde poore subjecte in an accion of dett before your Justicez of your Comen Place at Westminster, ayenst whome your seyde poore subject sued dyvers *capias utlagat* to haue hym arrested and in ward, accordyng to your lawez, which proces in nowyse can be served nor put in execution by the synyster and unlawfull meenys of the seyde Charlez Morton, wherby Justice can nott haue his right corse [*sic*]. In consyderacion wherof [etc.].

[Endorsed:] Before the king and his council at Westminster in the Octave of Holy Trinity. (*Ibid.*, Bundle xxviii, no. 83.)

To the kyng our Soueraigne Lorde.

(c. 1538) In most humble wyse compleynyth unto your Highnes your trew and faythfull subgett and oratour Charles Morton of Bawtre, co. Yorke, esquier, that where he of long season hath byn seised in his demeane as of fee of the manor of Morton in your Countye of Notyngham, where he and all his auncestours, whos estate he hath, have had tyme out of mynde waren for conyes and other bestes and fowlys of waren, one Robert Serleby and Rychard Fyssher, the 2d day of October in the 30th year of your most noble reigne [1538] with force and armys and in riotouse maner entrid into the sayd landes, and made a sawte of one Robert Wilkynson, servant to your sayd subgett, and wold haue grevously beyton him, but that he, for feare and daunger of his life, was fain to flee. And the sayd riotouse persons on the 11th day of October then next folowyng unlawfully assemblyd themselves with Robert Serleby, George Moote, Rychard Fyssher and other to your oratour unknowyn, to the

nombre of 6 or 7, at a certeyn grounde callid Lesten Flatt in the felde of Bawtre, co. Yorke, then and yet in possession of your oratour for terme of certeyn yeres to cum, and ther with force and armys sett nettes to take the conyes of your said orators resortyng frome the said waren to the said grounde, and dyvers of them dyd shoyt harrowes at Thomas Langefyshe, William Ledall and John Jakson, servantes to your oratour, beyng in the seyd ground, and grevously dyd wounde and beyte the sayd Thomas Langeryshe; and the 22nd day of the sayd monythe, George Moote, Rychard Fyssher and one William Moote, Guy Farefax, Edmund Lawde, Nicolas Sawer and Thomas Howseman riotously assemblid them selves togedur in Morton, and there did chace and hunt, and brake the hedges abowte the closure and sprynges, wherby the sprynges were destroyed with bestes and catall, to the grete loss and damage of your oratour, and the perilouse example [etc.]. In consideration whereof, etc. (*Ibid.*, Bundle xxviii, no. 87.)

10

MOORE v. HILL.

To the kyng our soueraign lorde and to his moste honorable councell.

1535) In moste lamentable wise complenyng shewithe unto your moste gracious highnes your poor subjecte James Moore that, wher as the said James, the 31st day of May in the 27th year of your moste noble reinge [1535] at Scroton¹ in your countie of York, was goyng in pesable maner wythe a lytyll walking staffe in his hande abowte such besynes as that he had there to dowe, being in Godes peace and yours, and intendyng no hurte unto man, one Richerde Hyll and James Hill, men notoriously knowyn and namyd to be comon brawlers fithers and pikers of qwarelles in those parties, accompenyed withe diuers other evill disposyd persons unknown unto your sayd besecher to the nombre of syx and mo, in moste riotous wise assemblyd wythe staffes, swordes and buklers and other invinsable wapins, and there mayd assaulte and affray off your said besecher; and the sayd mysdemynynd and wekyd persons so feersly and cruelly beet and woundyde your sayd besecher, bothe off his heede, bake, sydes and bodie, that they lefte hyme ther lying for deede, in so muche that he lay at the surgerey for the holyng of his woundes by the space of one hole monthe and more, to his grete costes;

¹ Scroton, a parish-town, four miles from Bedale, 4½ miles from Northallerton.

and thorowe the occacion of the whiche strikes and woundes hathe loste bothe his heryng and perfyte testyng, to the grete impouerischement, destrucyon and undoyng of your said besecher, and againste all right and good consciens, and in contempte of your gracious lawes, to the most perilous insample, [etc.].

The aunswere of Richarde Hill: as to eny riott or other mysdemener in the seid compleynt supposid to be done, he ys therof nott giltye. On the seid 31st of May he was goyng in peesable maner betwyxt his dwelling howse and the commen feildes of the seid town of Scruton, when the seid James More came furthe of one hollo place callid Clarkes Dyke touerdes this defendant, and, without eny woorde spokyn or eny occacion than gyffyn, dyd make one affray and assault of the seid defendant with one staf of the lenghe of two yerdes, and most malicyusly did stryke at him with his dagger, he than lyeng upon the grounde, and than and ther crewelly hade slayn hym, yf yt hade nott bene by the ayde of one Cicylle Conyeres and the wyfe of the seid defendant, whyche came Runyng and cawght the dagger frome the seid pleintiff, and cast yt ouer one hege; and furthe saythe that the hurt and herme that the seid pleintiff cawght was holy trowght his owne assault and in defence of the seid defendant, without that that the defendant accompanied [etc.].

II

MONKTON *v.* CONSTABLE.

To the king our souering Lord.

(c.1533) Humbly shewith unto your Highnes your subjects Marmaduke Monkton and Grace his wife and Robert Hodlow and Margaret his wife of the countie of Yorke, doughter and one heir of the body of Symond Battell and Johane his wife of the same Countie, that wher the said Symon Batill was lawfullie seissed of a Closse called Mylne Close, a parcell of ground called Ketilwell Hooll and 18 oxgangs of land in South Kettilthorpe,¹ co. Yorke, in his demesne as of fee, and dyd grant the premisses to Richerd Deen, Thomas Ellerker, Richerd Ripley, William Battell, Richerd Wawker, Robert Welles, chapellan, John Smyth, Robert Twyhysell and William Yong, for term of the lyves of the seid Symon and Johan, and after their deths to remayn to the hiers of the body of the seid Symon and Johan

¹ Kettlethorpe is a farm to the east of the road between South Newbald and South Cave, in the wapentake of Harthill.

begotyn, with diversse other remainders. And afterward the said Symon and Johan had issue the seid Grace and Margaret and dyed, lyvyng the said Richerd Ripley after the deth of the seid Johane Battell, wich was the survyvor. By force wherof your seid subjects entered into the premisses, and were therof lawfully seised by the space of two yeres and mor, when Robert Gorrell, Robert Narres, William Johnson, Thomas Tewell, Thomas Jakson, John Johnson, William Clerke, John Johnson the younger, John Fewll, Thomas Holstoke, Michill Ledell, Robert Yan, Thomas Sotheron, John Ly, Robert Hogson, John Westmerland, Richerd Barker, Thomas Glow, Thomas Wright, Thomas Stevyn, Thomas Rycherdson, Thomas Coke, John Watson, Richerd Pynder, John Foster, William Foster, Edmond Waukington, John Coler and Lawrence Fawden, accompanied with 40 other riotuosse persons, the names of whom be unknown to your said subjects, being servants and tenants to Sir Robert Constable¹ of the countie of Yorke, knight, and by his special procurement and commandement and to his usse, the 13th day of October in the 25th yere of your rigne [1533], with force and armes, that is to say with swherdes buklers and billz, ayenst the kinges pease riotusly into the premisses entred, and the goodes of the compleynents Marmaduke and Robert with force tooke and had away and the seuerall soull of your said subjectes ther with 36 plowez with force subverted, manured and sew, and the same yit with force occupieth and deteneth to the use of the seid Sir Robert Constable, of the evyll will and purpensed malace of the seid Sir Robert Constable to thentent utterly to suppres and disenherit your said subjects contrary all right and good conscience and the penal statutes by your most noble progenitors in that behalf ordaned, for so much, gracious Lord, as the seid Sir Robert Constable is of great blod, alie, attorite and pouer in the said Countie, and specially wher the premisses lieth, and your seid subjects being varie pour and not able to prosecute forther remedy by the cours of the comyn lawes; nor dare not, for dred and fere of ther lyues or other bodyly herme to be down to them by the seid Sir Robert, his frendes and servantes, occupye and entre into the premisses, to the utter undowyng of your seid subjects and the evyll insample [etc.].

James Halls.

(*Ibid.*, Bundle xxviii, no. 96.)

¹ Sir Robert Constable, of Flamborough, born *c.* 1478, knighted 1497. He took a leading part in the Pilgrimage of Grace, and was executed in 1537. He married Jane, daughter of Sir William Ingleby, of Ripon. His daughter, Anne, married George Husey, of North Duffield. See note 2, p. 4 *ante*.

To the kyng our souereigne Lord.

(1534)

In most lamentable wise compleynyth unto your highnes your poore and true subjecte William Morton of Copmanthorpe¹ in the countie of the cite of York, husbandman, that where one Sir Thomas Faireffax of Walton² in the seid counte, knyght, decessid, was seissed of one mesuage and 100 acres of lande emonges other londes in Copmanthorpe in his demeane as of fee, and for the som of £400 by your seid subject payd the 10th day of May in the 7th yere of your reigne [1515] demysed to your seid subject the premisses from the fest of seynt Martyn in wynter then next ensuyng for the terme of 41 yeres, payng yerely to the seyde Sir Thomas 51s. 10d. Your seid orator occupied the premisses duryng the lief of the seid Sir Thomas, who dyed abowt enleven yerez past; after whos deth the reversion of the premisses discendid to Sir Nicholas Fairfax, knyght,³ as his son and heire, to whom your orator payd the seid rent for one yere. Afterwards, on 10 January 11 Henry VIII [1521], notwithstandyng the seid lez, Sir Nicholas wrongfully expulsid your orator owt of the premissez, unto such tyme that your seyde subject hadde payd unto him the som of £4; and, on the 20th of August folowyng, he demysid the premissez to your orator for 31 yeres, payng yerely for the same as is above seid. Not contentid therewith, Sir Nicholas compellid hym to pay him 26s. 8d. On 14th January 12 Henry VIII [1522] Sir Nicholas demysed the premissez to your seid subject for 31 yeres, with divers other covenants and agrements specified. About 3 yeres past Sir Nicholas suyd a fenyd accion of trespas agaynst your orator in the Common Place at Westmynster, directid to the sherefs of the cite of York, by force wherof your subject was arrestid and imprisoned in the Common Gawle in the cite of York callid the Kydcott,⁴ unto such tyme as he hadde delyueryd his parte of the seyde indentor of les into the handes of John Morton and John Thornton, tenandes to the seyde Sir Nicholez, which they delyueryd to Sir Nicholas. Morover abowt 3 yeres past Sir Nicholas with force and armes came unto Copmanthorpe and ther, withowt any cause or

¹ Copmanthorpe, four miles from York.

² Sir Thomas Fairfax, of Walton and Denton, ancestor of the Lords Fairfax of Cameron. See *Burke's Peerage and Baronetage*.

³ Sir Nicholas Fairfax, of Walton and Gilling, son and heir of Sir Thomas, married Jane, daughter of Guy Palmes, Serjeant-at-Law. He died March 30, 1571, and his will was proved Oct. 30, 1572. See Clay's *Dugdale*.

⁴ Kydcott, *i.e.* lock-up.

matter lefull, toke from your orator 2 oxen, the price of 50s., and them as yet holdes, contrary to right and good conscienz. Abowt the same tyme he borrowed of your orator 6s. 8d., which he haith dyvers tymes required him to repay, which to doo he allwey haith refusid. And over this, not dredyng God nor the daunger of your lawes, intendyng the utter distruccion of your poore subject, on the 6th of January 24 Henry VIII [1533], the same Sir Nicholez, accompanyd with Vincens Applebe, Perciuall Bland, John Hubanke and other riotus personez to the nombre of 10 personz, to your subject unknowen, with force and armez, that is to sey with swerdes, boklers, and speris, the house and garth of your seyd subject at Copmanthorpe dyd ryotusly breke and entre, and upon one Robert Morton, son of your seyd subject, riotusly maid asawt, and hym sore bet and woundid, and toke owte of the seyd howse a mattresses, value 3s. 4d., 3 couerlettes, 10s., 3 great caldrcnz, 26s. 8d., and certan yron stuf necessarie for plowght and cart, 26s. 8d., and certan bred that was baked, and the same tooke away and yet detenyth. They also then toke 6 oxen, 5 steris of the age of 3 yeres, and 4 horses price 40 merkes, and them enchased and caried unto Walton, 8 milez distant from Copmanthorpe, and them as yet detenyth, by reason wherof your orator cannot ere ne till his land, nor doe his labourz concernyng his lyffying for hym, his wife and 6 poore children, and is compellyd by the great mis demenour of the seyd Sir Nicholez to aske his lyffying of well disposid personz for charite. The seyd riotus personz moreover entered the barne of your seyd subject, wherin all his barlee and other corne to the value of £10 was contenyd, and dyd expulse your seyd subject, and the same as yet doth detene, wherby your seyd subject cannot haue corne for the sustenyng of hym, his wife, servantes and children, nor for the sowyng of his lond. The seyd Sir Nicholas hayth also fenyd many accions agaynst your seyd subject, and in the most of them hath be nonsuyte, to thentent to make your seyd subject to be at cost and charges. And now, as well for that your seyd subject is now in such extreme pouerte by the great wronges that the seyd Sir Nicholas hayth don unto hym, as for that the seyd Sir Nicholas is a man of great possessionz, and hath so many of his consanguinyte and alians within the seyd counte of the cite of York your seyd subject shall be withowt remyde for the seyd injures by the ordre of the common lawes of your realme. In tendre consideracion wherof pleas it your highnes [etc.].

[Endorsed:] Between Sir Nicholas Fayrfax, kt., and Richard [*sic*] Morton this 19 of October 26 [Henry VIII] [1534].

Sir Nicholas makes answer that he knows nothing of the lease alleged to have been made by his father, who, upon the marriage of Sir Nicholas, then his son and heir apparent, with Jane, one of the daughters of Guy Palmes, serjeant at the law, enfeoffed Sir Thomas Parr, knight, Brian Palmes, serjeant at the law, and others of the premises. After Sir Thomas's death Sir Nicholas, in the name of the said feoffees, discharged the complainant from any further occupying or meddling with the said land, as lawful was for him to do. As to the lease alleged to have been made by himself in 1521, unto his remembrance he made no such lease; but in the January, for 40s. paid him by the complainant, he made a lease to him for the specified term. Afterwards he perceived that the complainant did not occupy the farm with his own hand, but let it to other persons, being other men's tenants, whereby the land of the said Sir Nicholas was like to have been put out of knowledge. It was then further agreed between them at Gilling that if the complainant demised any parcel of the said farm without Sir Nicholas' consent, his lease should be void; and, for the more perfect assurance thereof, the complainant delivered the lease into the hands of John Thornton and John Morton.

After this the complainant did voluntary waste, as letting down one messuage and other houses belonging to the said farm; whereupon Sir Nicholas brought an action of waste against him, and recovered the messuage and other the place wasted, and was put in possession thereof by the King's writ of *habere facias seisinam*; but complainant, contemptuously not regarding the writ, continued in occupation; whereupon Sir Nicholas took distraint, which he is at all times ready to deliver according to law. The complainant also demised divers parcels of the premises, contrary to the agreement; by reason whereof the said Thornton and John Morton delivered up the lease to Sir Nicholas.

As to the taking of two oxen he says that he and his ancestors have time out of mind had, in the lordship and manor of Copmanthorpe, a court leet, at which complainant was divers times amerced, for which ameracements distraint was made, as lawful was for him to do; without that he wrongfully expelled the complainant [etc.].

The complainant replies, re-affirming his own statements, and contradicting those of the answer, and pointing out he has made no answer as to the riotous entering into the complainant's

barn [etc.]. He says that Sir Nicholas caused one of the oxen to be killed, and after did eat the carcase in his house, and sold the other. The taking of the two oxen for amercements appeareth to be unlawful. Although in Hilary term last past Sir Nicholas was commanded by this honourable court to redeliver to the complainant such goods and chattels as he had taken from him, he still withholdeth two oxen price 46s. 8*d.*, a plow-sok¹ price 8*d.*, a linen sheet price 20*d.*, a salt fish price 12*d.*, and a loffe and a half of bred.

Under the lease granted by Sir Nicholas, he could demise to whom he would, and did so demise only 4 acres of land to Henry Elyson for term of one year.

Sir Nicholas rejoins, with further denials.

John Morton and John Thorneton pray to be dismissed out of this honourable court, for that the complaint containeth no manner of riot, misdemeanour, force of arms or other unlawful act by them supposed to be done against the King's peace or laws. They say that the complainant delivered the lease to them of his own mere motion, to the intent stated by Sir Nicholas. He afterwards demised certain parcels to John Wylkynson and Henry Tannefeld, and other persons. When Sir Nicholas heard of it, he demanded the surrender of the indenture to him. They did not at once deliver it, but entreated him to be good master to the complainant; and, to the intent that the complainant should make friends unto the said Sir Nicholas, they kept the indenture by the space of 2 years and more, and then, in displeasure, he served several writs upon them, to compel its delivery.

In his repican Morton re-asserts his statement of his being imprisoned in the Kydcot till he had delivered up the lease to them, and denies hving made other demises than in his replication to Fairfax is acknowledged.

John Morton and Thorneton rejoin, asseverating the truth of their answer.

Commission (dated at Westminster, 6 July 26 Henry VIII [1534]) to Brian Higden, clerk, and John Barton, esquire, to summon the parties, and examine witnesses on either side, and other persons whose testimony shall be desirable for ascertaining the truth in the premises, upon oath, transmitting the result to the king and Council at Westminster in the Quinzaine of St. Michael next coming.

Certificate (undated) of the said commissioners, sending the depositions by them taken (the seals remaining attached).

¹ Plowsok, *i.e.* ploughshare.

Depositions of witnesses brought forth on the part of Sir Nicholas Fairfax.

George Freer of Gilling, aged 56 years. About Christmas 23 Henry VIII [1531] was present at Gilling castle, when the complainant delivered to John Morton and Thorneton a certain lease, under the conditions alleged by Sir Nicholas.

William Leythorn of Gilling, yeoman, aged 54, was present at Gilling castle when William Morton delivered the lease of his farmhold in Copynthorpe as above.

Vyncent Appulby of Copynthorpe, aged 58, deposeth that about a year and a half ago one John Hewbanke, one Bayne, and another whose name he doth not remember, came to him with commandment of his master Sir Nicholas to go to the house of William Morton, as his officer, there to distrain. He did thereupon distrain 4 horses and 9 beasts, which he sent to Sir Nicholas unto Walton; out of the house he took 2 ill sheets of "herdon" and 2 ill coverlets, 2 little tynkler pans and a caldron, 2½ bushels of meals, a "plow soke and a pyked staffe," which he put in safe keeping in the house of Thomas Smyth in Copynthorpe, and re-delivered it in Lent following by Sir Nicholas' commandment, according to an injunction directed to Sir Nicholas, except the cattle. He took a young ox for an amercement of 10s. by virtue of "streytt" (estreat) delivered him by Sir Nicholas, by a court holden at Copynthrope.

John Hewbanke of Gilling, aged 40, was present at Walton after Candlemas was twelvemonth, when William Morton came there with divers of his neighbours, and there received of Sir Nicholas, by virtue of an injunction, 4 horses and 9 beasts, which Appulby, Hewbanke and others took, as above.

John Wylkynson of Acaster Malbishe, husbandman, aged 56, tenant to Sir Nicholas, deposeth that he and one Henry Mancefeld of the same town at "St Tellens¹ was 4 years" did take to farm of William Morton one close called Ortwhat Close, parcel of his tenement, for certain "beyns" to the value of 10s., from St. Tellinns till Lammas.

Simon Tanfeld of Acaster, waterman, aged 40, tenant to Sir Nicholas, but not his servant, did take a beast gate of John Wilkynson from St. Tellynnes to Lammas in a pasture which was part of the tenement of William Morton, but what year he cannot tell.

Richard Swaille of Copynthorpe, husbandman, aged 40, deposeth that William Morton did let certain parcels of arable

¹ St. Tellens, *i.e.* St. Helen's day, the 21st of May.

land to one John Cottes of Askham Brian, who carried the corn away about 3 years ago.

William Royde of Copynthorpe, husbandman, tenant but not servant to Sir Nicholas, took to farm at St. Tellynnes last past from the complainant one close called Hirwhat Closes, parcel of his farmhold, till Michaelmas following, paying 7s. for the same.

Henry Tanefeld of Acaster, waterman, aged 40, tenant but not servant to Master Fairfax, deposeth as John Wilkynson.

John Fenton of Copynthorpe, aged 40, saith that 2 years past he took to farm from William Morton a little garth, for which he paid 2s. 4d. in the year.

John Cottes of Askham Brian, husbandman, aged 40, about 3 years past did occupy $\frac{1}{2}$ acre of land, of the tenement of the said William Morton, to sow peas upon for one crop, paying 6d.; and about 2 years since he had of him one land end, containing $\frac{1}{2}$ acre, paying 6d. for the same, for one crop, to sow peas upon.

Thomas Johnson of Copynthorpe, smith, tenant but not servant to Sir Nicholas, about 50, deposeth to the placing in his house, called the Smythe house, of the goods taken by Appulby (as above), except that Vyncent had the pyked staffe away with him; and Appulby delivered the stuff to Morton again about Lent following in the presence of Mr. Harryngton Vaile of Bishopthorpe,¹ Thomas Vavesor,² Thomas Marshal, and William Reyde of Copynthorpe. About 6 years come March deponent took an acre of land, parcel of William Morton's tenement, for 12d., to sow peas upon for one crop.

Jenet Myres, wife of Robert Myres, husbandman of Copynthorpe, about 50, deposeth that about 6 years by past she took of William Morton a close called Hawthtwhat Close for 6s. 8d., and so did occupy it for one year; and 2 years by past took another such close, paying 6s.

Depositions of witnesses brought forth on the part of William Morton.

Thomas Vavesor of Copynthorpe, gent., aged 28, deposeth to the taking in distrain of some goods and certain cattle. He was present when the household stuff was delivered again

¹ Bishopthorpe, a parish-town $2\frac{1}{2}$ miles from York.

² Thomas Vavasour, of Copmanthorpe. He married Margaret, daughter of Sir Henry Smyth, and he and his wife were, it seems, admitted members of the Corpus Christi Guild in 1540, and died in 1558. He was grandfather of Sir Thomas Vavasour, Knight Marshal, whose son, William, was created a baronet in 1644. See *Corpus Christi Guild, York*, Surtees Soc., lvii, 227, note.

to Morton, and has heard his neighbours say that the cattle were delivered.

William Wodde of Copynthorpe, husbandman, aged 35, says 15 of the 17 cattle taken were delivered again.

Edward Hogeson of Copynthorpe, husbandman, aged 57, saith that after Christmas, what year he cannot tell, he went, at the desire of William Morton, with Thomas Marshall the younger, William Storme, and John Lenton to Walton, to Sir Nicholas Fairfax, with an injunction for the delivery of cattle so taken to the number of 17. Sir Nicholas delivered 15; the other two he kept, because they were given by virtue of his court for a forfeiture, for which the said William was amerced.

Thomas Marshall the elder of Copynthorpe, husbandman, neither servant nor tenant to Sir Nicholas, aged 40 and more; Thomas Marshall the younger, husbandman, aged 40, John Fenton, husbandman, aged 40, John Morton, husbandman, aged 50, Richard Swaill, husbandman, aged 40, William Reydde, husbandman, aged 40, and Michell Dokrey, cartwright, aged 48, all of Copynthorpe, depose in effect as above, adding that Edward Hogeson went to the delivery of the cattle, which were not then so good as they were before.

Christopher Dawson of Bishopthorpe, labourer, about 40, deposeth that he was upon Howse brige in the city of York about All Hallowmas was 2 years, when he heard a woman cry and shriek, and he drew near and did perceive it was William Morton's wife, which Morton then was in the kydder cote upon Howse brig; and he did see her then deliver unto John Morton and John Thorneton an indenture, which she said was the lease of the house that her husband and she did dwell upon; and she desired them, for the love of God, to help her husband forth of prison. They took the indenture, and said they would do the best they could for him.

Thomas Colson of York, walker, aged 60, and Richard Morton of Heyly, labourer, aged about 55, testify to the delivery of the writing by Mawde, wife of William Morton, in circumstances as above. (*Ibid.*, Bundle xxviii, no. 136.)

To the kyng our soueraign lord.

(c. 1532) Sheweth your pour subgetz Brian Shires of Skypton in

Craven, John Kytchyn of Riston,¹ Thomas Elletson of the same towne and Robert Ibotson of Rilleston, yeomen, that wher they now be and of long tyme have beyn tenants and fermours to one John Norton, esquier,² of Norton Conyers,³ so it was that the seid Norton, upon an accion of dett brought ayaynst hym by one William Holgyll, clerk in your court of your Exchecour, was comdempned in the some of £100, wheruppon proces was awardyd unto the sheryff of the countie of York ayaynst the same Norton by a *fleri facias*, by colour of which writt one Cristofer Aske, esquier,⁴ accompanied with other riotous and evill disposyd persons to the nowmber of 40 on the 16th day of August 24 Henry VIII [1532] by the especiall commaundement of Sir Marmaduke Constable the elder, knyght,⁵ then beyng sherof, and the seid John Norton at that tyme beyng in your serves upon the borders of Scotland, came to Rilleston, and by colour of the seid writ did breke the houses of your seid subgettes, and did forcybly take away 40 heid of catall of your seid subgettes, and 20 heid of catall of dyvers other pour tenants their of the seid John Norton, and drave them away into Skyp-ton in Craven, in such haste and after such rate that many of them werre lost and dyed. Wheruppon your seid subgettes, knowyng that all the socour and lyvyng of themselves and the other pour tenants of the seid lordship, restyd in effect in their seid beistes, mayd suyt to the seid Sir Marmaduke that they myght have their catall to them delyuered agayn, fore asmyche as they warre none of the catall of the seid John Norton, but theirs, which he myght not lawfully take by reson of the seid writt. But Sir Marmaduke, with an angry and ferse countenance, answered that they shuld not haue one of them agayn tyll suche tyme that the some of £20 warre payed unto hym, or ells that he had good and sufficient suyrtye by obliga-

¹ Riston, Rilleston, Rilston, the habitat of Southey's *White Doe of Rilston*, in the parish of Burnsall.

² John Norton. See note 1, p. 1.

³ Norton Conyers, a township in the parish of Wath.

⁴ Christopher Aske, "a younger son, I believe," writes Mr. Skaife, in a note to the *Guild of Corpus Christi*, Surtees Soc., lvii, "of Roger Aske, Esq., of Aske, near Richmond." A Christopher Aske was admitted to the Guild in 1481.

⁵ Sir Marmaduke Constable, the elder, of Everingham, and brother of Sir Robert, of Flamborough, already mentioned, High Sheriff, as stated in the text, in 1532. He attained Everingham in right of his wife, Barbara, daughter and coheir of John Sothill, of Everingham; was M.P. for Yorkshire in 1529. Sir Marmaduke died Sept. 12, 1545. He fought at Flodden, and was knighted after the battle. He was ancestor of the Constables of Everingham, since represented in the female line by Lord Herries. See Clay, *Yorkshire Church Notes*, xxxiv, 205.

cion for the payment therof. Wheruppon, knowyng that they ne any of the seid poure tenants, had not at that tyme left unto them one cowe or net to geve theym mylk, ne horse ne mare to ryde apon, so that they ne any of theym was of habilitie or power to socour or helpe the other, and for lak of the same your seid subgettes were lykly to be drevyn and com in extreme pouerte to ther most grettist hevynesse, except that they myght haue their seid catall delyuered them agayn, for feyre and dred they dyd bynd them joyntly to the seid Sir Marmaduke for the delyuere of the seid catall in an obligacion of £40 indosyd upon condicion for the payment of £20 at certen days appoynted. As many of the seid cattall as then were on lyff were delyuered accordingly. Now Sir Marmaduke, though the obligacion was given him for no maner of thyng dewe by your seid subgettes, but only as above is said, haith suyde an accion of det ayaynst them in the Court of Common Place appon the seid obligacion. And for as myche as they haith no maner of perfet ple to pled in barr of the same, and beyng but very pour men, having fewe frendes or none in effect in your countie of York, and the seid Sir Marmaduke is a man of gret substances, myght, power and reputacion, and haith many gret frendes ther, so that your seid subgettes ben not of abilite to haue any indiferent triall by the course of the comon ley, were ye mater neuer so good, nor of power to sue for other remedy in the premyeses, onelese your most gracious favour to us be shewed, besechyng the grant of your writt of *sub pena* [etc.]. (*Ibid.*, Bundle xxix, no. 2.)

14 ROUCLIFF AND OTHERS *v.* BECKWYTH AND BURGH.

To the kinge our souereigne lorde.

In most humble wise shewith unto your Highnes your feithfull subgettes Sir John Roucliff, knight,¹ Margarete his

¹ Sir John Roucliff, otherwise Rocliff, of Cowthorpe, a parish town four miles from Wetherby. He was the only child of Brian Roucliff, whose will is given in *Test. Ebor.*, iv, 102. Sir John married Margaret Plumpton, daughter and coheiress of William Plumpton, half-brother of Sir Robert Plumpton. His will is dated Dec. 6, 1531, and was proved Sept. 29, 1541. The late Canon Raine, in *Test. Ebor.*, v, 319, speaks of it as "a most interesting will, probably drawn up by one of the Grey Friars of York, who so largely benefited by it. Their hopes, however, were completely frustrated, as the will fell to the ground, probably through want of assets, and the executors refused to act." Sir John Roucliff's father, Sir Brian Roucliff, was, as Canon Raine writes, "a great lawyer." See wills of Sir Brian and Sir John in *Test. Ebor.*, iv and v respectively.

wieff, and Elizabeth Sotehill, wedow.¹ That where Sir Robert Bekwyth and Richard Burgh, clerkes, upon a goode and just title among other recouered the manor of Plompton² by assise of Nouell disseisin agenst Sir Robard Plompton, knight,³ to thuse of your orators, after whiche recouerey Sir Robert Plompton pute diuerse fenyde billes of compleynte unto your Highnes, wherby he surmysyd that the seid recouerey was hade agenst hym by unlawfull mayntenaunce, corrupcion of jurors, and oder synyster and unlauffull meanes; wheruppon it pleasyd your Highnes to commytte the demeaner and conveiance of the seid recoueres to be examynyde bifore my lorde archebyshope of Canterbury, your Chaunceler, and after bifore your Chieff Judges of your Benche and of your Common Place; so is it, most drede souereign lorde, that, the seid mater so dependyng in examinacion, the seid Sir Robert Plompton and William Plompton, his sone, haue fellyde and distroyd muche parte of the wode growyng on the seid maner, to the value of £100 and aboue. Wherupon, after compleynt made, my lorde Chaunceler gaffe Injunction to the seid Sir Robert that he shulde not frome thense forth make any furthur waste there; but, notwithstanding, they daielie felle and distroye the seid wodes, to the grete disheritaunce of your seid subgetts, onlesse thatt especiall favour of your grace be shawyd in this behalve. In consideracon wherof pleasith it your Highnes of your abundaunte grace to directe your gracyous lettres myssyffes to my lorde archebyshop of Yorke, gyffinge hym auctorite to cause the seid Sir Robert and William to be bounden in such manor as he schall thynke necessary, that they schall note hereafter cutdown [etc.] till the maters in vareauncez and debate be fully fynysched and appesid. (*Ibid.*, Bundle xxix, no. 22.)

15

LEEY v. FETHESTONHAUGH AND OTHERS.

To the king our soueraign Lord.

. 1537) Shewith unto your Highnes your dayly orator and bedeman

¹ Elizabeth Sotehill, daughter and coheir of William Plumpton, of Plumpton, and widow of John Sotehill, of Stockfaston. Her will is given in *North Country Wills*, Surtees Soc., cxvi, and was proved Feb. 17, 1506-7.

² Plumpton, in the parish of Spofforth, three miles from Knaresborough.

³ Sir Robert Plumpton had great disputes with Margaret and Elizabeth, the daughters of his half-brother, William. The former was the wife of Sir John Roucliffe, and the latter, of John, son and heir of Henry Soothill. Sir Robert Plumpton married, for his first wife, Agnes, sister of William Gascoigne, of Gawthorpe, and, for his second wife, Isabella, daughter of Ralph, Earl of Westmoreland. His will is dated 1523. See Clay's *Dugdale*.

Thomas Leey,¹ servant to John Gorstwike, esquier,² that where as your orator haith of your Graces surveyors takyn by dymysson and lease your Graces milne in Crakall³ with certeyn londes called Crakalcote in the towne and fildes of Crakall, paying thaccustomed rentes, with thencrease of 6s. 8*d.* yerely, to hold from Michaelmas 29 Henry VIII [1537] for 21 yerès, so it is, most dread soueraign Lord, that 22 and 23 day of September last past your orators assigne and deputie Lucas Metcalff, and Robert Huchynson his servant, occupying the said landes in Crakalcote in Goddes pease and your Graces, untyll oon William Fetherstonhaugh of Great Crakall, Cristofer Fetherstonhaugh, Cristofer Metcalff, Cristofer Scotson, James Mayson and William Lylforth, with dyuerse others, ill disposed and riotous persons, to the nountber of 14 and above, in riotous maner arrayd, that is to say with bowes, billes, swerdes and bokelers, pycheforkes, pykedstaves and other wepyns invasyve and defensyve, lay in awayte at Crakall of the said Lucas and Robert, and there bett, woundid, and wilfully had intended to have muredred theym contrarie to your Graces lawes and pease, and to the perilous example of other yll disposed persons, if remydy by your Highnes be not the rayther in that behalf provyded. In tender consideracion wherof please yt your Highnes to grant your most gracious writtes of *sub pena* to be directed to the said riotouse persons [etc.].

16

ROKEBY *v.* CONSTABLE.

To the Kyng our souerygn Lord.

(1524)

Shewith your humble subject Rauf Rokeby⁴ that, whereas John Rokeby⁵ son and heir apparent unto the seid Rauf haith

¹ Thomas Leey, otherwise Ley, had a lease from the Crown in 1538, of (a) a watermill in the lordship of Crakehall, (b) 16 acres of meadow in Coteholme in Crakehall, (c) a sheepecote called Crakecote, with 9 acres of meadow in a close called Cotegarh, in the lordship of Middleham, Yorks., being parcel of the lands assigned by Parliament for the pay of the garrison at Berwick; with reservations, for 21 years, at rents of 66s. 8*d.*, 16s., and 16s. 8*d.* respectively, and 6s. 8*d.* increase. See *Letters and Papers*, Hen. VIII, viii, Part I, 1538.

² John Gorstwike was secretary to Thomas, Lord Cromwell, and was treasurer of the "Tenths and First-fruits."

³ Crakenhall, in the parish of Bedale, two miles therefrom.

⁴ Ralph Rokeby, of Sandal, married Johanna, daughter of John Holme, of Paul Holme (licence for marriage, Jan. 26, 1507-8). Ralph died May 11, 1525. There is a brass at Bishop Burton to his wife's memory. See *Yorks. Arch. Journal*, xii, 201; also Clay's *Dugdale*.

⁵ John Rokeby was the eldest son of Ralph Rokeby, of Sandal, and was only twelve years old at the date of his father's p.m. inquisition. He married

wedded, married and taken to wif Anne, daughter and heire of oon Edward Cresacre deceased¹ and the said Anne beyng in Goddes peas and yours in a maner place in Yorkeshire at Bishopburton,² parcell of dominyon and lordship of Beverley, belonging to my Lord Cardinales Grace, legate *a latere*, archbishop of Yorke, primate and chaunceler of Englund, one Sir Robert Constable, knight,³ Hugh Wilforde, Andrewe Thomson, Richard Frere and Gilbert Warde, with diverse and many other riotous and evyll disposed persones to the noubre of 100 or moo, the 15 day of April last past in the 15th yere of your moost noble reign [1524], unlaufully and riotously assembled with force and armes, that is to say in hernes, with bowes bent and arowes sette in their bowes redy to shote, riotously besette, beseged and environed the forsaid maner place on every side, as well on the bakside as on the forside; and the place thus beyng besette, Sir Robert Constable, with oon servant with hym, first riotously entered into the said maner place, the servant havynge his swerd drawn; and so they passed through the hall, and so into the parlour where as the said Anne Rokeby was; and then and there Sir Robert said he wold haue the said Anne away with hym, and laid handes upon her; wherwith she maid owtes, and cried out for help, and said she wold not go with hym, for she was a wif married unto the said John Rokeby her husbond, and that she wold beat commaundement of her said husbond, and of noon other in anywise. And then therunto resorted oon Christian Jackson, an aged gentilwoman hauynge the ordryng, rewle and guydyng of the said Anne and also of the houshold of your said besecher, and said unto Sir Robert Constable: Sir, this gentilwoman is married; I trist ye take no mannes wif away, and in especiall oute of my Lord Cardinales

Dorothy, daughter of George Gale, mayor of York, who remarried Sir Thomas Fairfax, of Denton. John Rokeby's will is dated Feb. 23, 1551-2, and was proved May 6, 1552.

¹ Anne, daughter of Edward Cresacre. This family, says Hunter, in his *Deanery of Doncaster*, i, 373, traced its descent from John Cresacre, lord of Barnborough, in the days of King Edward I. Edward, named above, was son of John Cresacre, who married Margaret, daughter of Sir Hugh Hastings, of Fenwick. Edward, the son, married Jane, daughter of Sir Richard Basset, of Fletborough, co. Notts., and had, by this marriage, Anne, his daughter and heiress. The father, Edward, died in 1512, aged 27. Anne Cresacre eventually married John, son of Sir Thomas More, and after his death married George West, of Aughton.

² Bishop Burton, a parish town 2½ miles from Beverley.

³ Sir Robert Constable, of Flamborough, was born c. 1478. He was knighted in 1497. He married Jane, daughter of Sir William Ingleby, of Ripon. He took a leading part in the "Pilgrimage of Grace," and was executed in 1537. His daughter, Anne, married George Husey, Esq., of North Duffield.

lordship, onles ye haue good autorite lawfull. Then the said Sir Robert said: I will haue her away, who so ever saith nay. And therwith oon Sir Thomas Morley, prest and chapleyn unto your said besecher come into the said parlour where they were thus rufflyng, and shit the parlour dore for fere of his lif, that no moo shuld entre into the said parlour. And therwith the servant that furst entred with his sword drawn said: Horemaister Prest, open the dore or I shall strike thy nek from thy body. And so therwith stroke at hym diuerse and many great stripes, and wold haue slayn hym, bot he hymself defended, and at the last foyned¹ at hym with his swerd, by reason wherof he was glad to escape with his lif. And then the said Sir Robert said: Prest, thou art a foole to resist me, for I assure the I haue an hundreth persones abowt this house, and therefore it is best to yeld the, and make no more besynes.

And therwith a great noumbre of the said riotous persones being withoute the house then and there brast open the said parlour dore, and brake it to shivers with a fourme that was in the hall, and so entred into the parlour; and in like wise they brak open a bak dore of the said manor place, and so entred with force on the bak side of the house, and ther hurte oon of the labcuryng men of your besecher; and some other brake fyve paynes of the glas wyndowes of the said house, with bowes bent and arowes in theym redy to shoyt with a great owtes, sayng thies wordes: Kill the horeson Prest, kyll hym. Wherwith the said Sir Thomas, beyng therwith sore abaysshed and affrayed, drewe hym a self apart. And therwith the said Sir Robert Constable and his people with strength and force caried away the aforesaid Anne Rokeby agaynst her will with hym, she makynge owtes, exclamacion and sorowful wepyng, sayng she wold neuer forsake her husbond, to dye for it. That notwithstondyng they did carie her away upon horsebak, and orderd her ferther at their pleasure, and, so yit do, and reteyn her against her will from her said husbond, contrarie to the lawes of God and your lawes, moost gracious souereygn lord, and agaynst all good order, to the moost perellous exauple [etc.]. Wherefore may it pleas your gracious highnes to grant a writ *sub pena* to the said Sir Robert and Hugh Wilford [etc.]. (*Ibid.*, Bundle xxix, no. 44.)

The answeere of Sir Robert Constable, knyght.

He says that one Edward Cressaker, esquire deceased, father to the said Anne, was seised amongst other manors and lands in

¹ Foyned, *i.e.* thrust. See Skeat.

cos. York and Northampton, of a messuage and 30 acres of land in Mekisburgh, late John Flocton's, held of the king by knight service, as of his Duchy of Lancaster; he died leaving the said Anne, aged about half a year, his daughter and heir; whereupon the custody and marriage of the said Anne, and the wardship of the said land, etc., did and does belong to the king; which marriage the said Rokeby did untruely and unjustly ravish and take into his keeping, taking also the profits of the premises. The king, being advertised of this intrusion, directed his letters of commandment, sealed under the seal of his signet, to Sir Robert, to take into his hands, to the use of the king, the body of the said Anne, calling to his assistance the sheriff of the county, and such other of the king's subjects as he should deem necessary. By virtue whereof Sir Robert, on 14 April last, having with him only ten persons, whereof nine were and yet be his household servants, went towards the manor place where the said Anne was, to execute the king's commandment. As he was going, he met with the said Wilford (who made the tenth person) whom he desired to accompany him, not declaring him with what purpose, nor to what place, they were proceeding.

On the same 14th of April, the said Anne being then within the age of 12 years, Sir Robert came to the said manor place, and left without all the said persons except his horsekeeper, and so, with one servant, he peaceably entered the place, the doors being open, and came into the parlour, where he found the said Anne accompanied with an aged gentlewoman, who told him that she and Thomas Morley had the rule and oversight of the house. Sir Robert desired her to call in the said Thomas Morley, that he might declare the cause of his coming; immediately thereupon Morley came in, and Sir Robert declared to them both the king's commandment, desiring that the constable and bailiff of the said town, with one or two honest inhabitants of the same, might be sent for, so that Sir Robert might shew them the said commandment. Morley answered that they should not be sent for, neither should Sir Robert have the said Anne with him, unless he had her in pieces. On hearing this obstinacy, Sir Robert desired his horsekeeper to go to the gate, where Sir Robert's mail was, and to bring him the king's letter. As the horsekeeper was going forthward, Morley fast locked and shut the hall doors, so that he could not depart out of the house; then, his knife being ready drawn, he called unto him two other servants of the said Rauff, the one having a pitchfork, the other a great plain staff, intending to have come into

the said parlour, and have made assault upon Sir Robert. Upon this the horsekeeper, for defence of himself and his master, drew his sword, and called his master's attention to their approach. Sir Robert commanded him to suffer Morley only to enter, and not to strike him, because he was a priest. Then Morley "foyned" with his knife at the horsekeeper, who, in his defence strake back, Sir Robert commanding him, upon pain of his life, to strike "flatlinges"¹ and so he did, by reason whereof Morley had little or no harm. Sir Robert then seized the priest's knife, and his servants without, hearing the noise and thinking Sir Robert was more like to be murdered than otherwise, brake open the doors and divers panes of the glass window, and came to their master. Sir Robert then took with him the said Anne, and, as they were leaving the house, one labouring man was given one stripe "flatlings," because he would not open the doors; and then Sir Robert took and kept the said Anne, according to the king's commandment. (*Ibid.*)

Rauf Rokeby replies, denying that Edward Gresacre, held tenements, as alleged, in Mekesburgh or in Northamptonshire of the king, whereby the marriage of the said Anne should belong to the king; nor was the king ever advertised of such pretended title of wardship by any person, but only by reason of the malicious mind that Sir Robert owed unto the said Rauf, and to the intent that by his extort power he might obtain unlawfully the marriage of the said Anne to one of his younger sons; and, in proof thereof, he hath now "handfest" the said Anne unto Thomas Constable, one of his younger sons, without the king's consent or licence, which proveth clearly his untrue, covetous, unlawful purpose; Sir Robert never had such authority from the king, nor ever called the sheriff or any of the king's officers to aid him in the execution of the alleged commandment; and the said Anne was not, at the time, within the age of 12 years [etc.]. (*Ibid.*)

Sir Robert rejoins that Edward Gresaker held of the king by knight service not only the tenements aforesaid in Myxburgh, but also others in Fenwyke,² Wytley,³ Tyllishall,⁴

¹ Flatlinges, *i.e.*, "to strike with the broadside of anything." See Halliwell's *Dictionary of Archaic Words*, s.v.

² Fenwyke, Fenwick, in the parish of Campsall, eight miles from Doncaster.

³ Whytley, probably Wheatley, in the township of Long Sandal and parish of Doncaster, 2½ miles from the latter.

⁴ Tillishall, or rather Tylthall, in the township of Langthwaite-with-Tilts. In 1565 a Fine was passed, in which Thomas and Edward More were respectively plaintiff and deforciant, regarding the "Manor of Tilthall *alias* Great Tylse."

Brathwayth¹ and Halibe Wombewell, and at other places in co. York, as shall appear in the king's record, as well by office thereof found, as otherwise. But the said Rauf, being sworn the king's attorney of his Duchy of Lancaster, untruly and contrary to his oath and duty deceived the king, and gave yearly large sums of money to the persons having the custody of the evidences declaring the king's tenures in the premises, for the embezzling and concealing of the same from the knowledge of the king and his council, and gave divers rewards to sundry persons who had knowledge of the same, for the keeping of it secret. And he caused the 2s. 4d. rent of Mikisburgh to be paid to the Prior of Burton² and withdrawn from the king, feigning the Prior to be a seignour immediate for the same lands, where the Prior never had any such rent before. His deceit would not have been known, had not Sir Robert declared the same to the king, who thereupon issued his letters of commandment as before was said [etc.]. (*Ibid.*)

Attached are Interrogatories to be ministered to William Bromley, the king's messenger, for proof of a riot against Sir Robert Constable.

The said William Bromley, aged 37, examined on the 5th of July, says that he came to the manor of Bysshopburton shortly after the supposed riotous entry, with a process directed to the said Sir Robert Constable, who had then gone to his own house. He saw the doors of the parlour and hall broken, and relates what was told him by the old gentlewoman and Rokeby's servants. (On the back on the interrogatories is written: Thomas Edrengton in Warwyk layne, messenger.) (*Ibid.*)

Similar interrogatories for, and deposition of, Sir Thomas Morley, prest, aged about 27; he deposes that Sir Robert has confessed the said riotous besieging and environing of the said manor place, since he came to town. He knows not how long the said Anne hath been married to the son of the said Rauf Rokeby, but, as he supposes and hath heard say, they have been married together upon three years. (*Ibid.*)

The like for Brian Hastynges, esquier,³ aged 29, examined on the 7th of July.

¹ Brathwaite, a hamlet in the township and parish of Kirk Bramwith, six miles from Doncaster.

² Prior of Burton, *i.e.* Monkbretton. This must have been Thomas Tickhill, who was confirmed Prior Sept. 10, 1523, and was the last who held the office. After its suppression the building and site were granted, 32 Hen. VIII, to William Blitheman.

³ Sir Brian Hastings, high sheriff of Yorkshire in 1536-7. He is mentioned as a son of Sir Hugh Hastings by Tonge and Glover. He married

He was not privy in any wise to the carrying away of the said Anne. He knows that Bysshopysburton belongeth to my Lord Cardinal, but whether as a member belonging to Beverley or to York, he can not tell. John Rokesby was married to Anne Grysacre when they were both but five or six years old, which was long afore her supposed taking away. He knew by report of the country that she was the king's ward, and made relation thereupon to the king's council, as his duty was to do, and this for no malice or grudge. When Sir Robert Constable brought the said Anne to this deponent's house, he was away, and so continued for 12 days after; she remained there 3 weeks and more. He thinketh Sir Robert brought her thither, purposing after to have married her to his youngest son. Being her kinsman¹ he counselled her rather to take the son of Sir Robert than to do the contrary, or to take any other, and he was the more glad so to do, in as much as Sir Robert had desired him in the same to be friendly. He knew that Sir Marmadew Constabyll, son and heir to Sir Robert, conveyed her to the house of John Nowell (who had married Hastings' niece), there to be affyed to Sir Robert's youngest son Thomas. He counselled her to refuse John Rokesby, because, before he came home, or ever saw her, she refused and forsook the said John, and gave her wedding ring away, and utterly refused John Rokeby afore Dr. Kellet and Master John Chapman, as many that saw it reported to this deponent. The said Anne told him she was married to John Rokeby, but was so young at that time, that she knew not, nor could not remember it, but by report, saying further to this deponent that she would rather never have husband than to have John Rokesby. He never saw (a gold) ring on her finger, nor knew of any that she had, but as he hath deposed before he heard she had given away a wedding ring before the Doctor and the other, when she refused to have the said John Rokesby. He knows well by report that she was taken from Bisshopisburton rather against, than with, her will. He believes the said Thomas Constable is 11 or 12 years old; and he knows well that a marriage was not consummated between them. It was at Nowell's house she was affyed. It is true he

Agnes, daughter of Thomas Portington, Esq., of Barnby Don, by whom he had children. His will made Aug. 2, 1537, is given in a note to p. 277 of *Test. Ebor.*, i. He married, for his second wife, Elizabeth, daughter of John Leake, of Sutton, Esq. Sir Brian had a sister, whom Hunter calls Margaret, who married John Cresacre, Esq., of Barnborough, who was Anne Cresacre's grandfather: hence the kinship.

¹ "Being her kinsman," Sir Brian Hastings' sister having married Anne Cresacre's grandfather. See previous note.

has said John Rokesby is a bastard, and this knowledge he had by report of one Cheyne, brother in law to Rauf Rokesby, in the presence of John Wentworth, esquier, Robert Creke, esquier, William Babthorp, and Robert Sotell, gentlemen, and others. An office was duly found before the escheator, to entitle the king to the said wardship; he never laboured to the finding of such office, for he was not at home at the time; but, had he been, he would have done the best he could for the finding of the same for the king's advantage. Since the death of the said Anne's father it is 11 years and as much as since Christmas hitherto, or thereabouts. Divers inquiries and offices have been made since the father's death, as to the wardship of the said Anne, whereof the truth could not be found, but always stopped and letted by Edward Baresford and Rawfe Rokesby, by their sinister and crafty labour, as this deponent and others knoweth of truth. Edward Baresforth of Grays Inn, gentleman, married the mother of the said Anne, after the death of the said Edward Cresacre, and had a good part of the said Anne's inheritance, for term of his wife's life. This deponent has never given evidence against the king's title at any inquiry, and has never been of counsel in that behalf with the said Baresforth or with Sir William Gascoigne of the North, knight.¹ In an action of ravishment of ward brought by Baresforth at York assize in right of Sir William Gascoigne against Sir John Dunham, knight, for the wardship of the body and land of the said Anne, this deponent was Baresford's friend; to the best that he could, against Rokesby. This deponent was here in London, when Sir Richard Weston (Master of the Wards) delivered to his servant a letter directed to Sir Robert Constable, which letter Constable's servant reported Sir Richard sent for again; of its contents he has no knowledge. (The interrogatory suggests that it commanded Constable, in the king's name, to bring the said Anne to the king's council unaffyed, contracted, or hand-fest.) (Signed) Bryan Hastynges. (*Ibid.*)

A like set of interrogatories, and the examination thereupon of Sir Robert Constable, knight, 24 June, *Anno* 16 [1524].

He says that Sir Richard Weston, Master of the King's Wards, upon report made by him to this deponent, moved the king first of the same matter, and, upon Sir Richard's motion, the king called this deponent to him, and examined him of the same, or ever that this deponent ever moved the king any thing thereof. Weston obtained the king's letters for the seizing of

¹ Sir William Gascoigne, probably of Gawthorpe, Recorder of York. He married Bridget, widow of Robert Stokes, of Bickerton.

the said Anne, which this deponent knew not to be true daughter in law to the said Rokeby. When he went to Bishopsburton he had with him Sir Thomas Roper, clerk, Gilbert Warde, Edward Bales, William Frer, Humfrey Chaloner, Andrew Thomson, Thomas Gorge, Waryn Skergill, and William, his horsekeeper, his household servants, and one Walford, which met him by chance in the way. None of them had any harness, nor any weapons, but swords and bucklers, and some of them bows and arrows, and one bastard sword, as they be wont to ride. The said Anne made no 'owtes' or noise, till the old gentlewoman wrang her arm at the coming in of this deponent's servants, whereupon she cried, and the said Edward Bales took her up in his arms; what she said to him this deponent cannot tell. (*Ibid.*, Bundle xxix, no. 44.)

17

ROOKE *v.* ROOKE.

To the Ryght reuerent Fader in gode Lorde Thomas,
Cardenall of Rome, Legate a latere Archebysshoppe
of Yorke and Chaunceler of Englonde.

(1523-4) In moste humble wise complayneth unto your moste noble grace your poore orator and daily bedman James Rooke of Wakeffeylde in the countie of Yorke, shomaker, that where one Isabell Roke, wyffe unto your said Orator was and it [*sic*] is of ill disposicion of hir body, as it is well knowen in the countre, and forby cause that your said Orator toke hir in bedde with one Robert Wylkynson, she in mayntenaunt toke suertie a peace of your Orator and xv of his freyndes, to the entent for to a layde them in prison. And, then your Orator hadde knowlege of it, he rode unto one Mayster Fayrefaxe of Steton in the saide countie, then beyng one of the Justice of the Peace within the saide shere, and hadde a *supersedeas*; and in the meane season that your Orator was ther the said Isabell, with other persones unknowen, came with force of armes, and the howse of your said orator brake and entered, and certen goodes of your poore Orator to the valor of xlii. then and ther founde toke and bare away, contrary to the kynges peace. And, not content with hir said ill demeanor toward your Orator, caused him to be cyted (but only for vexacion and troble) to apere at Yorke; and when he came ther, they kowde lay no thyng unto hys charge; yet, that not withstondyng, the said Isabell of her maliciouse and ranckorous mynde went to the sheriff of Yorke, and ther hadde a warrant of the peace

agaynste your Orator, and they caste hym in prison by the space of a fortinet, to his grett coste and charge, and to his utter undoyng, and to the entent that he shulde forsake the countre, and not be abull to sewe unto your grace for remedy. Soe it is, good and gracious Lorde, that your Orator his a poore man, not able to sewe after the course of the commen lawe, in tendre consideracion wherof, that it wolde please your moste noble grace of your charyte to directe a comyssion unto Robert Nevell, knyght,¹ and Thomas Gryse, esquier,² comaundyng them by the same to calle the said Isabell before them to answer unto the premysse, and theryn ferther to do as it shall acorde with ryght and goode consciens. (*Ibid.*, Bundle xxix, no. 74.)

Writ (*in Latin*) tested at Hampton Court 6 August 16 Henry VIII, directed to Brian Hygdon, Dean of York,³ Sir Robert Nevell, knight, and Thomas Gryce, gentleman, charging them or two of them to inquire into the complaint in the bill set forth, to hear and determine therein according to their discretion; otherwise to certify the king and council at Westminster on the Morrow of All Souls next coming, returning the bill aforesaid and this writ. (Endorsed (in addition to the usual form referring to their certificate) with the signature of Thomas Gryce, and a note in another hand: broughte in by James Rooke 16 Feb.) (*Ibid.*)

The certificate of us, Robert Nevyll, knyght, and Thomas Gryce, commissioners by vertue of the kyng's commission to the Dean of York and to us directed, is this: We callyd the parties wythin wryttyn before us att Wakefeld, and unto thame shewyd and redde as well the same commissyon as byll of complaynt oppynly. Wherunto the said Issabell maid answer which is annexid unto this certificat, and be cause the tyme was so short that we shuld have maid our retorn in, and the same Lord Dean hadde so gret besenes in the countre abowt the syttyng of the commissyon of the subsidy, and also we in lyke wysse abowt the sittying of oon oder commission of the subsidy the same tyme, that we cowth nott haue lassur to examyne more then in the answer afforsaid is mencionynd; and the same

¹ Sir Robert Nevelle, or Nevile, of Liversedge. He was high sheriff for the county in 1540. He married Helen, daughter of Sir John Townley, of Townley, Lancs. His father was Thomas Nevile, of Liversedge, who was buried in St. Peter's, Leeds, in 1499. See Thoresby's *Ducatus*.

² Thomas Grice, of Wakefield, J.P. He belonged to a somewhat influential local family.

³ Brian Higden, dean of York 1515-1539. See Drake's *Eboracum*. Drake, from the Dodsworth MSS., gives the monumental inscription to his memory in York Minster.

Thomas Gryce movyd the said parties to have abydyn the order of thafforsaid Brian Hygden, Sir Robert Nevyll and Thomas Gryce in all matters comprysed in the byll of compleynt, wherunto the same James was promysyd, and the same Isabell by oon Alan Nycolson, her kynnysman, in lyke wysse. Notwythstandyng, as yett we cannott agre thame, by cause that the same Isabell, as she sayth, hath one Inhibycyon for my Lord Cardinall is grace, that nawther ne spyrytuall juge ne temporall shuld call ne demaund the same Isabell to make answer befor thame, the copy wheroff is herunto annexyd. And we thoght hit was most expediant and necessarie to certifie unto your most excellent heghnes the comissyon and byll of compleynt and answer accordyng to the purport of the same. Wherfor we humble besech your heghnes of your benigne gudeness and charitie to order and determyn further in the premissies as be your most honorable and most gracious and discreit counsell shall be thoght consonant and most convenyent. And we shall pray unto our Lord Jhesu for the contynuance of your noble and riall estat long to endewre to His pleassure. (*Ibid.*)

Copy of mandate (*in Latin*) of Thomas, by the mercy of God cardinal priest of the Holy Church of Rome of the title of St. Cecilia, archbishop of York, primate of England, and chancellor, legate of the apostolic see, and also legate *de latere* of the late Pope Leo X of blessed memory and of the said see to the most serene and potent prince our Lord Henry VIII, by the grace of God King of England and France, Defender of the Faith and Lord of Ireland, and to his whole realm of England and all and singular the provinces, cities, lands and places of the same realm to him subject and others to the same [realm] adjacent,—to all and singular the rectors, vicars, chaplains, with cures and without, and to all clerks and lettered persons whomsoever in all places whatsoever in the said legation comprized, dated in his house at Westminster 11 February 1523[-4]. We have been informed on behalf of the honest woman Isabel Rokys of the parish of Wakefeld in our diocese of York that, she and one James Rokys of Wakefeld were contracted in marriage, publicly married in the face of the church, and afterwards lived together as man and wife; the said James was subsequently unable to pay her conjugal rites (? rights); after several conversations on the subject, the said James laid hands on her, and grievously hurt her. Thereupon she cited him before Master Henry Machell, LL.D., then commissary-general of the official of our Consistory Court of York, who gave them permission to live apart, until God should otherwise dispose between them, provided they

lived in chastity; but no divorce was pronounced, nor any security taken for protection of the said Isabel. But the said James has molested and troubled the said Isabel, and gives out publicly that he will tie and chain her up, cut off her nose, and other horrible things, and carry off her goods, to the grave peril of his soul, and the no small hurt and prejudice of the said Isabel, and a pernicious example to the community at large. Therefore we charge you to inhibit the said James and all other persons whatsoever from doing anything whatsoever in the matter, while this complaint is pending before us, until the said James shall have put in satisfactory security for the indemnity of the said Isabel. You shall also cite the said James to appear before us, or our auditor or auditors, on the 30th day after such citation to him made, wheresoever we may then be within the bounds of our abovesaid legation, there to answer the complaint of the said Isabel, and further to do and receive what justice shall demand therein. We charge you, moreover, to show this our present mandate to the said complainant, furnishing her with a copy hereof, if she so desires, for which you shall charge not more than 12*d*. And what you shall do herein you shall certify to us or our auditor or auditors, either in the person of whosoever of you shall execute this our mandate, or by letters patent duly sealed, together with the presents. (*Ibid.*)

Bill addressed by the said Isabel to the Right Worshipful Commissioners, the Lord Dean of York, Sir Robert Nevyle, knight, and Thomas Gryce, Justice of Peace.

Humbly showith unto yow your dayly beydwoman and oratrix Isabell Roke, that all such surmysez as the said James Roke haith maid enentes the said Isabell ar fals and untrewe. Robert Wilkynson, late of Kendall, made his purgacion in the pariche kirke of Kendall, and 12 honest persons with hym, for that [? slander] which the said Jamys maid of hym and the said Isabell dampnably. The said Robert haith married the said Isabell sister in the saide kirke of Kendall oppenly, bannes asked after the custome. Wher he surmysed that the said Isabell toke suertie of peace of hym and 15 persons with hym, to cause him and the said 15 to be cast in preson, that he ne thay shuld have curse and libertie to compleyn thame to the lawe, she saith she never asked surtie of person, bot of the said James and thre other of his kynsmen and aliaunce, which James with one drawne and naked sword in his handes, and also one Henry Sherman, his broder in lawe, with another drawn sword in his handes, came into the house of the said James and there gave her sore strokes, and drove her perforce

and violently furth of the house, with greatt fere and drede of her lyfe. And syns that day, which is 16 yeres passed, nawther at the request of the right worshipfull Doctor Higden, Deane of Yorke and Vicar Generall, ne at the greatt desire and instance of Doctor Machell, at that tyme Commyssary, ne at the greatt request and labour of Maister Drausord¹ then beinge Lord Mare of Yorke, which of his gode mynde, when the matter was in traverse in the spirituall cowrte at Yorke, caused thame to sowpe to gedderez, and offered to the said James a bedd to the valor of 8 marks, or 8 marks in money, so that he wold luffyngly take the said Isabell his wyfe, and entreat her as a man shuld doe his wyfe; and yitt he wold not be ordered by the said Lord Mare of Yorke, ne awther of the said worshipfull, ne yitt his curate Doctor Knolles, which haith moved hym dyverse tyme and many, and specially of dyuerse gode frydays, for the luff of Criste, to have taken the said Isabell luffyngly, and putt hym in fere as myche as he cowde conveniently that he shuld not haue the sacrament mynystered to hym at estre, except he wold lyffe after the lawes of Godde, and take his wyfe to hym. And then the said James shewed unto Doctor Knolles a dyuorse maid by the afforsaid Doctor Machell betwix the said James and Isabell, frome bedde and bord, which diuorse haith bene shewed in my Lorde Cardynalles audience, where the matter now dependith, and commaundement direkked from the said cowrte, inhibbeteyng as well spirituall juge as temporall not to inquyett ne trowbill the said Isabell in her person ne in her godes unto the matter were determyned there. Which commaundement she haith shewid and is redy to shewe at your commaundement, and to delyuer yowe a copy of the same, to make a certificate to the kynges grace and his counsell howe the matter dependez in my Lorde Cardynalles audience and honourable cowrte. Where the said James surmysed she broke into his howse, it is fals, and to prove the same so to be, there did come afore Mr. Thomas Gryce, Justice of Peace and nowe commyssioner, 12 burgesses and honest men of the towne of Wakefeld, into his owne house there, with a letter testimoniall under all thair seallez, which letter Brian Jepson of Wakefeld, marchand, haith in his custodie for his declaracion, because the said James sclaundered the said Brian to be of counsel of robbeyng of hym. The said Isabell haith a copy thereof to shewe, and all the said burgesses, except one, be yitt on lyve to recorde the same, with many other, if nede be. She denyeth nott that she toke suertie of peace of hym at Yorke, for she haid gode cause

¹ Thomas Drawsword; mayor of York in 1515 and also in 1523.

so to doe, for he dyd manyshe her, and doith dayly, to cutt of her nose and to bynde her with an yrne cheyne to a post, and that she shuld haue no lyueyng bott one day rye breydd and an other day watter, whylest she lyued; and that he thus said wull record and testyfie John Neylott, John Birkhed, Richard Norton, Richard Bateman, John Burne and diuerse other. And Thomas Ekoppe of Wakefeld gave warneyng to John Sharpe that the said yrne cheyne was made at Rodwell and redy for the same matter. The said James doith, and haith doyn, lygg in wate of her dyuerse tyme to take her and her godes, and haith areasted godes which she occupieth of Alan Nicolson, for the sustentacion and releveyng of Margaret Jepson, moder to the said Isabell and awnte to the said Alan; and over this she haid gode cause, as appereth by thre woundes in her body strikken with a daggar, wherof the arrez and markes ar redy to shewe to yow, if it be your pleasure. And thus I desyre yow for the luff [of] Godd to make a trewe certificate of all the premyssez to [the] Kynges grace hyghnesse and his honorable counsell, that I, his power beydwoman, wirkeyng and laboryng dayly and nyghtly for the sustentacion of my poer moder, beyng an aged woman and wedowe, may lyf in rest and peace; and she and I shall dayly pray for the gode and prosperous astate of the kynges grace and his honorable counsell and yowe. (*Ibid.*, Bundle xxix, no. 74.)

18

SANDFORD v. THORNTON.

To the kyng our Souereygne Lorde.

.1522) In his moost humble wyse shewith unto your moost riall Hignes your true and faythfull subjet, Nicholas Sandford of your countie of Cambrige, gentelman, and oon of the sewars of your moost honourable chamber, that where the 30 day of Aprell in this present 14 yere of your most excellent reigne, your sayd subjet being in Goddis peace and yours within your cetie of Yorke, oon John Thorneton,¹ merchaunt, bering inwarde malice unto your orator, without any cause or ground resonabill, wrongfully inprisonnyd your orator in the sayd Cetie, who was compellyd to seke sewerties there; and, as sone as Thorneton perseyvyd that he colde not kepe your orator in prison, of his furder malice, the sayd day and yere, he riotusly

¹ John Thornton, merchant, eldest son of Robert Thornton, alderman of York, was "free" in 1504, chamberlain in 1505, sheriff in 1508-9, and lord mayor in 1514. He was admitted to Corpus Christi Guild in 1514, and died 1529-30.

assemblyd to hym within the said Cetie 3 riouttus persons to your orator unknowen, and be sett all the gatis and stretis of the sayd cetie to thentent that your orator sholde not departe unmurdred. And so it is, that, when your orator had perfit knowlege therof and of theyre unleefull riouttus demenure and assemble, he secretly escapyd and toke to the water of Owse for his refuge, the sayd Thorneton withall the sayd rioutus persons makying many showtis and owte cryes, and contynually rennyng with theyr wepons after hym by the bankis of the sayd water, and then and there put your orator in daunger of drownynge, and so followyd hym assawtyng at dyuerse placis of the sayd water, crying He ys goon, He ys goon; and they wolde not leve theyr unleefull assawtyng and pursewyng unto suche tyme as your orator was passyd owte of all the liberties of the sayd cetie, to the evill example of your subjettes there abyding and contrary to your peace, lawes and statutis in suche case provydyd. In consideracion wherof, it myght please your highnes to graunt your moost gracious writte of *sub pena* [etc.]. (*Ibid.*, Bundle xxix, no. 103.)

19

SAVELL v. SAVELL.

To the kyng our soueraigne Lord.

(c. 1525) In most humble wyse shewith unto your Grace your dayly oraturs Agnes Savell, late wyff to one Robert Savell of Halyffax¹ in the counte of York, decessid, and Robert Otes, clerk, that where, 13 Januarr' 17 Henry VIII [1527], they were in the house of the sayd Agnes at Halyffax, one Thomas Savell, accompanyd with dyuerce riotus persons to the nombre of 5 yn riotus maner arrayd, with swerdes and buklers and other wepyns ynvasyue, contrary to the pece of our souereng lorde, about 12 of the cloke yn the nyght of the day before rehersyd, cam to the sayd

¹ Agnes, widow of Robert Savile, who from 1504 to 1522 was owner of Shibden Hall, Southowram, near Halifax. Robert was the second, *not* third son (as stated in Clay's *Dugdale*), of John Savile, of Hullenedge, near Elland, by Alice, his wife, daughter of William Lister, of Halifax. Robert Savile was thrice married, his first wife being, according to Watson's *History of Halifax*, Jane Chaworth, of Warton (otherwise Wiverton, Notts., the seat of the Chaworth family). Savile's first wife, however, in Harl. MS. 6070, folio 247, is described as a daughter of Smith. His second wife was Joan, daughter of William Otes, of Shibden Hall, by which marriage he acquired that property. After her death Robert Savile married, for his third wife, Agnes, the widow of Robert Otes, of Halifax, and she is the plaintiff in this case, and was one of the two executors of the will of Robert Otes, her former husband. Administration of the goods of Robert Savile, who died intestate, was granted Jan. 21, 1524-5, to Thomas Savile, his eldest son, the defendant in this Star Chamber suit.

house and desired he myght cum yn. Your oratrix, supposyng he had ment none yll, nor had byn accompanyd with suche riotus persons, and also for as much as your oratrix had before that tyme married the father of the sayd Thomas, was contentyd he shold cum yn. And after that he was cum yn he demaundyd the keys of the chistes which then were in the sayd house, to thentent he myght see what was conteynynd yn them, and that he myght bere away such thynges as plesid hym to do; wyche to do your oratrix was loth, but at the last, after many gret thretenynges and menasses made to her and the sayd Robert, yn puttyng them in fere and juperdy of lyfe, your oratrix delyueryd the keys of her said chestes. Wherupon the sayd Thomas, accompanyd with the sayd riotus persons, openyd and unlockyd the sayd chestes, and then in riotus maner not only toke away dyuerce wrytynges obligatorie, wheryn dyuerce persons were bound yn grete sommez of money to one Robert Otes decessid, late father to your sayd oratrix, who at the tyme of his deth made your said oratours his executours, and died, whych money was never payd, but also riotusly toke and bare away mony, plate and other stuff of the goodes of your oratrix to the value of 100 markes and above, and also dyuerce wrytynges and munymentes, and the last will of the said Robert Savell, her late husband, by wych he made her hys executrix; by havynge of the whych wyll, he, surmysyng that his sayd father schold dye intestat, hath takyn upon hym the mynystracion of such goodes and catallys as were to his sayd father the tyme of his deth; by reson wherof your oratrix, lackyng the sayd wyll to prove her to be executrix to her sayd husbond, ys lyke to lose her tytle and ryght theryn and the will of her sayd husbond to be unperformyd; and also he hath takyn away one certen wrytyng, wherby the sayd Thomas was bound that he, after the deth of hys sayd father, yff hyt happenyd hym to overleve hys father, schold not ynquiet nor sue your oratrix concernyng ony thyng gevyn by his father to her, wych bond he hath brokyn and forfeytes. By reson of having of the whych wrytyng he ynquetyth your oratrix, and putteth her frome all such thynges as were to her gevyn by his father, to her undoyng for ever, onles your grace, movyd with pitie, ayd and socour your sayd oratours yn thys behalfe. In concideracion wheroff hyt may plesse your Grace to graunt a wryte of *sub pena* [etc.]. (*Ibid.*, Bundle xxix, no. 142.)

To the kyng our soueraigne Lord.

(c. 1530) In most piteous and lamentable wise complaynyng shewith unto your excellent Highnes your poure and daily oratour Thomas Savell¹ of Clyfton in your countie of Yorke, gentilman, that where one Henry Savell² of Thornehill in your said countie, esquier, of his grete malicious mynde withoute any maner of cause geven to hym by your said oratour dyuerse tymes assembled dyuerse evill disposed persons, and them as duely shall be proved hath caused to lye in a wayte in bussumentes to the entent onely to murder and slee your said oratour, inso-moche that of late the said Henry Savell sent one William Burnett, then being his household seruaunt to Thornton in the said countie, where the said William by commaundement of his said master hyred one Robert Barowe, Robert Tunstalle [and] Lawrence Tunstalle, promysyng to every of them 6*d.* by the day for their wages during the tyme that he wolde haue them, (wherof he hath paide unto them parte), and them accompanied with the said William Burnett, Thomas Burnett, his household seruauntes, and Cristofer Hanshaa, his tenant, to thentente they shuld lye in awayte daily for your said oratour. And so the same persons lay in awayte to have slayne your oratour by the space of 7 wekys or thereabout. And for because they were not duely paide of their said 6*d.* a day, over and besides their rewarde then promysed unto them by the said William, they gave up, and wolde wayte no more. Where afterward the said Robert Tunstalle, of his owne mere mocion and free wille, knoulaged and confessid unto John Constable, Robert Constable, John Swale, esquyers, and unto John Champneis, citezen and alderman of London, how he, the said Robert, with other, as before is saide, did lye in awayte by commaundement of the said Henry Savell, to haue murdered and slayne your said oratour, and howe they shuld have had 6*d.* by the day, over and above a good rewarde. And moreouer,

¹ Thomas Savell, (see previous note). He was the eldest son of Robert Savile, of Shibden Hall, and later of Mirfield, by his first wife. He obtained from King Henry VIII part of the spoil of the dissolved priory of Kirklees, in the shape of the rectory of Mirfield. About the 11th day of March, 1544, we learn from the Coroners' Rolls, that, "seduced by the devil," he "feloniously did drown himself in the river of Thames, over against St. Katherine's, near London." He married Elizabeth Shaw, and had two children, Cuthert and Elizabeth. See *Yorks. Arch. Journal*, xiii, 315.

² Henry Savile, Sir Henry Savile, of Thornhill, son of Sir John Savile, of Elland. He married Elizabeth, daughter and coheir of Thomas Suthill, Esq. He was knighted at the coronation of Queen Anne Boleyn, and was high sheriff of Yorks. 1537 and 1541. He owned at his death 44,000 acres of land. He died April 25, 1555.

gracious Lord, the said Henry Savell, of his further malicious mynde, aboute Palme sonday last past, when every true Christian man shuld haue bene in parfite love and charite, at Clyfton aforesaid, accompanied with 8 persons in riotous maner assembled, mett with one John Blakbourne, servaunt unto your oratour, at which tyme, withoute any occasion geven by the same John, the said Henry Savell drew oute his sword to have stricken at the same Blakbourne, commaunding his servauntes to geve unto hym that his master shuld haue. Wherupon they, with force of armys in riotous maner, with swordes drawen, then and ther assauted the said Blakbourne, the said Henry Savell contynually crying unto his servauntes Kille hym, kille hym; so that they there had utterly slayne hym, if he haddne not then fledde into a wood for safegarde of his life. So that your oratour and all his ar and daily do stand in grete jeopardy of theire lives, in such wise that your oratour, for safegarde of his life is enforced to flee the cuntrey there, whiche is and wolbe to his utter undoyng for ever, onles your gracious comforte to hym be shewid in this behalfe. In tender consideracion wherof, and forasmuch as the said Henry Savell is a man of so grete power that your oratour is not able to sue for his remedy by the course of your lawes, it may therfore please your highnes, moved with pite and of your rightuousnes to sett suche ordre and direccion in this behalf as it shalbe thought most necessary and expedient by your Highnes, so that your oratour and all his may from hensforth live and be in safegarde withoute feare or daungier of the said Henry Savell or any of his adherentes. And your said oratour shall daily pray to God for the prosperous preseruacion of your most noble and roiall estate long to endure. (*Ibid.*, Bundle xxix, no. 158.)

The aunswere of Herry Savell to the byll of compleynte of Thomas Savell. The bill is uncertain, and insufficient in the law to be answered. He is as to all unlawful assemblies, embusshementes, assaults, frays, and all other misdemeanours in the said bill specified, nothing guilty; all which he is ready to prove, as this court will award. (*Ibid.*)

Writ (*in Latin*) tested at Westminster 11 July 22 Henry VIII [1531], addressed to Sir John Nevill of Snape¹ and Sir Robert Nevill, knights, empowering them to hear and examine in this matter, and to take depositions of witnesses on behalf of the parties touching the points in question; finally, if possible,

¹ Sir John Nevile, of Snape, apparently, in after times, John, third Lord Latimer of Snape. He was, at first, somewhat implicated in the "Pilgrimage of Grace," but was pardoned. He died Mar. 11, 1542-3. His will is in *Test. Ebor.*, vi, 159.

to determine the cause, after summoning the parties. Otherwise, to certify the king and his council at Westminster in the Quinzaine of St. Michael next to come, returning the "cause," and this writ, giving care to the execution of this mandate, and executing it effectively. (*Ibid.*)

The certificate of Sir John Nevile and Sir Robert Nevile to the kynges Highnes in his highe courte of the Chauncerye, according to his graciouse commission to them addressed (not dated). By auctoritie of the seid commission we haue called before us the partiese comprised in this commission, and have examyned there witnesses sworn uppon the interrogatories directed to us with the seid commission (hereunto attached). We have no prove that Herrye Savell esquier at any tyme did procure any persones to ly in a wait of Thomas Savell. We have prove and do perceive that William Burnet dyd hier Robert Barrow and the others to lye in a wait of Thomas Savell to giff hym a strype, and dyd promesse them a rewarde, whiche one of theym saith shuld be 10s., and thoder saith they knew not what the rewarde shuld be. We have no prove that the said Herrye Savell sent the seid Burnet to hier theym.

We have no prove that any of Herry Savell's household servauntes or tenantes dyd accompanye the said Robert Tunstall. Robert Tunstall and the others did so lye in a wait, and dyd receive parte money of the said William Burnet at the rate of 6*d.* a day, as the persons that were hyred dyd confesse afore us; and William Burnet doth say the cause wherfore he dyd so was that the said Thomas Savell did afore gif a stripe to one Nicholas Savell, to whome the said William is alied. The persones hyred said they knewe not wherfore Burnet shuld be aboute to do suche displeasour to the said Thomas Savell, and that, if the said Thomas hadd common they were mynded to let hym slip with oute doing hym any hurt, thof all they were hyred to the purpose aforesaid.

John Blakburn doth afferme that everye thing expressed in the bill of compleynt as anenst hym is trew; Herrye Savell and his servauntes saith they dyd no more but, by their said maister is commaundement, take an hound from the said John Blakburn, and one of them drew his sworde going towardes the saide John, to whome they say that there said Maister said that he wold not for 20*li.* he shuld hurt the said John Blakburn, commaundyng his said servaunt to put up his sworde.

(signed) John Nevill, K'.
Rob't Nevyll, K'.

(*Ibid.*, Bundle xxix, no. 158.)

21

SARUM *v.* BROUGHTON AND OTHERS.

To the kyng our soueraign Lord.

c. 1535-6) In his most lamentable wyse compleynethe unto your excellent Highnes your dayly orator Robert Sarcum, that, where the seide Robert Sarcum beyng seised in his demesne as of fee of and in one mesuage xx acres lande arable xx acres pasture x acres medowe in the towne and felde of Wymbersley¹ in the countye of Yorke, dyd peasably occupie and enycie the same, and the rentes and profettes of the same dyd take to his owne proper use by the space of xx yeres or theyr aboutes, withoute lett or interupcion of any person, So it is, most dred soueraigne Lorde, that your pore orator beyng in Godes peace and yours, and in his dwellyng house at Wymbersley aforeseid aboute his necessary busynes, intendyng no hurt nor damage to any person, one Christopher Broughton, Thomas Pynder and George Wodhouse, with dyuersse other Ryotousse and evyll dysposed persons with theym assembled to the noubre of syx, the names of whome to your seide orator be unknowen, litill regardyng the briche of your peace, the xxijth of February in the xxvijth yere of your most noble reigne Ryotously and in forcible maner (with swerdes, buclers, staves, bylles, bowes and arowes and other wepyns invasible), dyd come to Wymbersley, and into the premises dyd entire, without any title or cause resonable, and your orator, his wyff and children, and his household stuffe being in the same house, violently dyd expell and put furth, and ever synce forcybly doithe kepe the possessyon thereof, takyng the profettes to ther owne use, and wyll in no wyse suffer your pore orator to enter and occupie the same. And, not satysfied therewith, they thretyn and manasse your orator to lett mayhame or kille, so that he darre not, for dred thereof, goo aboute his necessary busynes and to labour for his lyffing, to his grete undoyng, and to the evyll example of all other, oneles [etc.]. In consideration wherof [etc., he begs a *sub pena*, etc.]. (*Ibid.*, Bundle xxix, no. 172.)

22

MALHAM *v.* HEBDEYN AND OTHERS.

To the kyng our souereign Lord.

In his most humble wise shewith unto your most excellent Highnes your poor subject and dayly bedman Laurens Malham²

¹ Wymbersley, *i.e.* Womersley, five miles from Pontefract.

² Laurence Malham, otherwise Mallum, became a member of the Corpus Christi Guild in 1503, and was then described as a "pewterer." He was

of Kyrkby Misperton¹ co. York, gentilman, that, where one Roger Dalton of the seid countie, gentilman, was seassed in his demesne as of fee of the maner of Kirkby Misperton, he, in the xxiiij yere of your reign dyd demyse to your orator the seid maner for the terme of sixe yeres then next followinge, by force wherof your orator dyd occupie and inyoie the said maner unto now of late, that is to say, the xvij day of Septembre last past, that one Thomas Hebdeyn, Christofer Couper, Cristofer Frank, John Lowell, Robert Gammyll, Robert Smythson and Cristofer Ryingrose all of Kyrkby aforeseid husbondmen, with divers other riotus and ewyll disposed persons to your orator unknowyn, with force and armes in maner of warr arrayed ageynst your peace and lawes, souereign lorde, the most part of the incloser and hegges of three closes, parcell of the seid maner, in riotous and forcible maner dyd breke down, and into the same put in ther cattell, that is to say, oxen, kye and horses, at whiche tyme the seid cattell dyd utterly distroy and consume all suche herbage and gras growyng there; of the whiche riotous heynous act and forcible demeanour the seid ryotous persons be indicted; and, that notwithstandyng, lytle regardyng the punyschement of your lawes, persavyng that they were indicted accordyng to ther demerytes, the seid riotours of ther further malicious purpose made an other ryotous assemble of other ewyll disposed persons to the nombre of xxiiij; over and besydes the old nombre before reherced (whiche latter ryot was done the first day of this present moneth of October) and the hegges and defences of one of the seid closez dyd inherly and holly distroy and cast down to the ground. And yet therwith not beyng satisfied, of ther further froward and cruell myndes dyd hew and cut down a great part of the quyke sett or spryng growyng in and aboute the seid other two closez. In consideracion wherof please it your Highnes of your most haboundant grace to grant seuerall wryttes of *sub pena* [etc.]. (*Ibid.*, Bundle xxix, no. 183.)

To the most reuerent father in God Thomas, Lord Cardynall legat and chaunceler of Ynglond.

(c. 1527) In his most humble wyse shewyth unto yowre honorabyll

chamberlain of York in 1529, and sheriff in 1531-2. He died at Kirkby Misperton in 1545.

¹ Kirkby Misperton, otherwise Kirkby Overcarr, is a parish town four miles from Pickering.

grace yowre seruant Henry Saveyll of Thornhyll in the cownte of Yorke that, where as on the 2d day of July last past he was huntynge at dere wythe howndes in hys parke of Tankerseley¹ in the seyde cownte, wyche seyde howndes brake forthé of the seyde parke, followyng and chasyng one of hys dere of his seyde parke, by reason of wyche inchasement the same dere as well as the same howndes brake into a parke called Wortley parke, nowe in thandes of the lord of Shrovysbery² whiche ys joynyng to the grownd of yowre compleynant, who, perceyuing his howndes to be in the parke of Wortley, caused Sir Wylliam Dey, clerk, and one Roberte Furneys to go to Wortedley to Wylliam Partryche, paker of Wortley, instantly requyryng hym to send the seyde howndes [away], further chargyng them in ther goyng to kepe the comon hygh waye from Tankerseley to the seyde towne of Wortley, between wyche townes ther hathe bene wythowt tyme of mynd, wherof no rembraunce of man runnyth to the contrary, one comon hygh waye; as they were so goyng to Wortley, one Wylliam Darley, seruant to your orator, and one Henry Garlady, a stranger, goyng to Wortley, ouertoke them, and they all went together. In ther goyng they sawe the seyde Partriche, and called to hym, seying they had mesuage to hym from your orator. He answered he wold not here any message of them, but then and ther unlaufully assembled and raysted upp Wylliam Boswell, Nicolas Dekynson, Roberte Carter, John ke senior, Richard Wylson, John Balderston, John Roydes, George Gregory, Wylliam Waynwryte of Bolsterton, John Kyrbey, Thomas Cowper, Nicolas Roydes, John Chamber, derbayly, Roberte Wylson, bocher, Nicolas Graffin, mercer, Roger Wade, mercer, Wylliam Trefett, bayly, John Sewall, Thomas Stopforthe, Wylliam Parlyngton and other mbir of xl persons or therabowte, wherof xvj of them hade bowes and arrowes, and the resydew clubbys and glavis. Whyche Parker then seyde every man wyche was ytor to my lord of Shroisbery to stryke downe the seyde servantes of yowr orator's. Wheruppon the seyde paker and Bosewell and others ryotusly assawted yowr

¹ Tankersley, a parish town five miles from Barnsley.

² The Lord of Shrowsberry, *i.e.* George Talbot, fourth Earl of Shrewsbury and Earl of Waterford, born 1468, son and heir of John Talbot, third earl. He was appointed Lord Steward of the Household by Henry VIII on his accession in 1509; was a stout supporter of the King's policy, and, next to the Duke of Norfolk, mainly instrumental in suppressing the rebellion of 1536. He died July 26, 1538 (*Dict. Nat. Biog.*).

For interrogatories in this case see *Yorkshire Star Chamber Proceedings*, vol. i, p. 179.

orator's servantes, and the seyde parker wyth an arrow havynge a forked hed shote at Wylliam Darley, and strake hym throwgh the shulder, and sore hurted and maymed the residew of your orator's servantes, and left Garlady, a stranger, lying for dede, havynge in hys body xvij bloody woundes, and lyke to all menys judgement for to dye; and toke the seyde Roberte and caryed him to Shefyld castell, and ther [he] yet remayneth in prison. Your orator, uppon the comynge home of his seyde servantes, perceyuyng them so sore wounded and maymed, caused them to be drest; and, theruppon understandyng that they had hurte dyuerse of ther partie, furwyth your seyde compleynant caused the kynges constable to arest the same servantes, and to bryng them my lord of Richemond and to hys honorabyll councell, to answer and abyde the order and determynacion concernyng the premisses; and they were thether wght, and delyuered as prisoners to the seyde lord of Richemond councell acordyngly. And uppon the same yowr compleynant seyde to them wyche were t honest in Wortley, requyryng them in lyke wyse that they shuld cause them of Wortley to be arested and sent to my lord of Rychemond and his councell, to abyde ther lyke ordre concernyng the same. Wheruppon Wylliam Goswell, servant to my lord of Shroisbery, answerd for them all that ther constable was dede, and that they wold arest none of them. And then, the next nyght after the seyde affraye, the seyde parker and other the fornamyd ryotous persons and ther adherentes mad open cryes and proclamacons thorow the townships and contrey called Halamshere, as in the towne of Rotheram, uppon peyne of dethe, that euery man shuld assemble them selves into armes, and so furwythe to come to Wortley. And ther came acordyngly the seyde ryotus persons and other to the nombre of cc persons and above, in harnes, and assembled after the maner of a newe insurrexcion, and came to Wortley, and at ther comynge mad exclamacion, seying that they wold pull youre orator forthe of hys howse, to the most perilous example that euer hathe bene seyn in those parties, and to the grete fere and drede of yowre compleynant and all hys, onles yowr most gracyous favor be to hym shewed in that behalfe. In consideracion wherof yt may please yowre grace, for the steying of more myscheffes wyche may ensue by reason of the premysse, to graunte seuerall wryttes of *sub pena* to be directed to the seyde Wylliam Partryche and other the forenamed ryotus persons, commaundyng them by the same personally to appere befor youre grase and other the lordes of the kynges most hon•

orabyll cowncell in ye sterr chamber at a certen dey [etc.]. (*Ibid.*, Bundle xxix, no. 189.)

Attached are the answers of:

(i) Nycholas Dyconson, George Gregory, Thomas Cowper, John Balderston and Robert Carter, who say the bill is contrived against them for very malice which the complainant beareth to the said William Partryche, who has divers time given true informations to his master, George, Earl of Shrewsbury, of the killing of deer in his park of Wortley, by the complainant and his servants. These defendants on the said 2d of July happened to be at the house of the said Dyconson at Wortley, making merry at a marriage dinner, when the wife of the said Partriche came suddenly from Wortley park, being but a little way from the said house, and informed her husband that there were a great number of hunters come into the said park, and there chased and hunted the deer in the same. Partriche thereupon arose from the dinner, and these defendants followed him, but not all at once; Dykonson took in his hands a child's bow, some of the others having no weapons, and the residue only their usual walking staves, intending only to see the king's peace kept. Coming into the park, they espied five or six persons assembled together, servants and adherents to the said Herry Savell, that is to say, Sir William Deye, priest, Robert Furnez, Herry Garlady, William Darley, Thomas Watson and Edward Bekkes, whereof two had swords and bucklers, bows ready bent, and arrows nicked in them, the third a sword and a dagger, bow and arrows, and the three others swords and bucklers; which persons hastily and riotously approached Partriche and shot at him sundry arrows, and at these defendants; they wounded Partriche and left him for dead, beat and wounded John Roodes, and beat, wounded and maimed one William Page, which likewise came into the park from the said marriage dinner. Because it was esteemed that Partriche and Page were more like to die than to live, these defendants in as peaceable wise as they could, attached Furnes, one of the offenders, without any stroke or hurt given to him, who was safely kept till it might be known whether the said wounded persons should die or live. The residue of the misdoers escaped their ways, without that the said defendants, or any of them, commanded that every man that was no traitor to the Earl of Shrewsbury should strike down the servants of the said Herry Savell [etc.]. (*Ibid.*)

(ii) Robert Wylson and John Chamber, who say that, being in the town of Rotheram on market day, there was a common

voice and fame in the open market that divers of the servants of the said Herry Savell had hunted in the park of Wortley, and killed one William Parteryche, keeper of the same, and also one Richard Wylson. By reason whereof the said Robert Wylson, cousin to the said Richard, and John Chamber in his company, having no manner of weapons but their usual walking staves, repaired to Wortley to see in what case the said Richard Wylson stood. There they were informed that Partryche was sore wounded, and like to die, but that Richard Wylson was not at the said fray. When they understood the circumstance thereof, they peaceably departed home again to their own houses. (*Ibid.*)

(iii) William Boswell, John Kirby, Nicholas Greyson, Richard Wilson and William Parlyngton, who say that, as to the riot, wounding, wrong imprisonment [etc.] in the bill surmised, they are not guilty. (*Ibid.*, Bundle xxix, no. 189.)

To the kyng our soueraign lord.

(c.1534) In moste humble wise sheweth unto your gracyous heighnys your pore subjecte John Proctor that, where one Roger, Abbot of the monastery of our Lady of Fournysse¹ yn your countye of Lancaster, was seasyd of a certeyn mese, xl acres of land, xl acres of pasture, x acres of medowe, xx acres of firsshe and hethe yn Wynterburne yn your countye of Yorke yn his demene as of fee as yn the right of his sayd monastery, and so seasyd, by dede beryng date the fyrst daye of December xxv Henry viii [1534] lessed the premysses to your sayd subjecte duryng the terme of lx yeres; by reason of the whiche your sayd subjecte was peaseably therof possessed till xvj Marche followyng, when one Thomas Blakborne of Snagill, John Dyconson of Wynterborne, Richard Grame, Thomas Nobile of Skypton, Thomas Wayerdman of Skypton, with dyuerse other riotous and misruled persons, to the number of viij persons riotously and with force entred yn to the premisses, and dyd expelle your sayd subjecte, and his pottes, pannys, plat or dysshez and oder stuffe of household to the value of xx*li*. did take and cast oute of the same house yn the height strete, wherof a grett part was takyn and carryed away by the same and by other strange per-

¹ Roger de Pyle, abbot of Furness, last abbot there. He surrendered the abbey April 9, 1537, and received as pension the rectory of Dalton, value £33 6s. 8d.

sons, and the resydewe spoyled, dystroyed and lost by brute bestes; and the oxen, kyen and other yong bestes of your sayd subjecte then pasturyng on the premysses they dyd take, chace and dryve awaye att places unknowyn, by the meanys whereof your subject can haue no repleuyn or delyuere of the said bestes by the order of your commen lawe. They dyd also take your sayd subject thens untill the castell of Skipton in the seyde countye of Yorke, and then and ther yn the sayd castell withoute any lafull commandement, juste cause or auctoryte of your lawes dyde imprison your subjecte by the space of too monethes, to the moste perillous example of all oder lyke offenders [etc.]. Plesyth yt your grace, the premysses consyderyd, to graunte your gracyous wryttes of *sub pena* [etc.]. (*Ibid.*, Bundle xxx, no. 6.)

Attached is the answer of John Dyconson, who says the complaint is pursued against him only for vexation and trouble, to put him to importunate costs and charges, he dwelling in the county of Yorke. Of the riot and misdemeanors, etc., in the bill surmised, he is not guilty; and, if he were, the king our sovereign lord, of his most benevolence and benignity at his last parliament holden at Westminster, hath clearly pardoned and remitted, amongst all other things, all such offences, riots and misdemeanors, whereof this defendant prayeth the advantage. (*Ibid.*)

25

HARBERT *v.* TRYSTRAM AND OTHERS.

To the kyng our soueraign Lorde.

(c. 1535) In moste humble wyse compleyneth unto your Highnes your dayly pore orators Wylliam Harbert and Johan Harbert, wedowe, that, where one Wylliam Weston, knyght, lord of the house of Seynt Johans of Jerusalem in Englund,¹ was seised of a close conteynyng 2½ acres of medowe in Middilton Tyers in the countye of Yorke in his demesne as of fee as in the ryght of his seid house, about 12 Marche in the 24th yere of your reign he demysed the same to your orators duryng his wyll and pleasour; and they peasybly toke the profittz thereof unto suche tyme that one John Trystram, Wylliam Peyrson, Christopher Thomson and Symon Nycholl, with other persons unknowyn to the number of ten persons, arrayd after the maner of warre, about 10 August in the 27th yere of your reign, with

¹ William Weston, the last prior before the Reformation, died May 7, 1540, dying on the same day as the suppression of the house (Stowe).

force and armes, with bowes and arowes, swerdes, buklers, pykeforkes, staffes and other wepyns defencyve, ryotously into the premyssez entred, and fyve loades of hey beyng redy made, growyng uppon the seid closse, ledd and caryed away, and the seid Johan, beyng in the kynges peace, dyd threytt, pluk, pulle, castdowne and beytt, whereby she was in dispare of her lyff, to the utter undowyng of your seid pore orators for ever, oynles your gracyous favour to them be shewed in that behalff. In consyderacion whereof yt may please your Highnes to graunt seuerall wryttes of *sub pena* [etc.]. (*Ibid.*, Bundle xxx, no. 15.)

26

HAWKSWORTH v. KNEVETT.

To the kyng our souerayng Lord.

(c.1541) In most lamentable wyse compleynyng shewyth unto your most excellent Maiestie your poore and daly subject Anne Hawkesworthe, wydow,¹ that where one Crystofer Warde, knyght,² was lawfully seasyd of one messwage and cc acars of lond, medow and pastur, in Essholde, co. Yorke, and by hys dede indentyd beryng dayte 11 Julye 12 Henry VIII [1521] did graunt to your said poore subject the premyssees to hold to her and her assynges for the terme of har lyffe, yeldyng therefore yerely to the sayd Sir Crystofer and hys heyres twentie pens at too feastes of the yere by even porcions to be payed, as by the sayd dede redye to be shewed more at large yt doythe and maye appere; by force wherof your sayd subpliant hayth occupied the same peasably and quietly by the space of xxij yeres and more, and by all the sayd tyme hayth well and trewly payed the rent reservyd upon the same. So yt ys, most dred soueraygn lord, that one William Knevett, esquier,³ and

¹ Anne Hawkesworth, apparently widow of Walter Hawksworth, son of Walter Hawksworth, who died before his father. He married Anne, daughter of John Wentworth, of Elmsall. His will was proved June 18, 1518.

² Sir Christopher Warde, apparently Sir Christopher of Givendale, near Ripon. His daughter and coheiress, Anne, married Ralph Neville, Esq., of Thornton Bridge, co. York, and her sister and coheiress, Joan, was the second wife of Sir Edward Musgrave, of Harclacastle. See *Reg. of Corpus Christi Guild*. Joan, Lady Warde, the widow of Sir Roger Warde, sen., and grandmother of Sir Christopher, left, by her will, 20s. to the prioress, and 10s. to the nuns of Esholt. See *Test. Ebor.*, ii.

³ William Knyvet. In Michaelmas term, 1533, a Fine was passed between William Knyvet, Esq., and Katharine, his wife, deforciants, of the manor of Thornton Briggs, and lands in Letby, Norton, Hunderton, and Elynthorp (*Yorkshire Fines*, i). Also another Fine in 1535, in which the same husband and wife were deforciants, she being described as Lady Katherine Strickland (*sic*), in which Fine Lord Henry Clifford, one Henry Knyvet, and others were

Dame Kateryn his wyff, Wylliam Grene, yoman, John Walker, yoman, Sir Randall Rawson, clarke, John Wayste, Bryan Beyston and Gyles Wylden, yomen, and Thomas Fouche, husbondman, with dyuerse other ryotus and evyldysposyd persons with theym unlawfully assembled to the number of ten, whose names be unto your sayd subplyant unknowen, the xj daye of Julye in the xxxiiijth yere of your moost noble reygne, with force and armes, that ys to saye, with staves, swordes and bouclers, knyves and other weapons, came to the sayd messuage and with force brake into the same premysses, and dyd put into a certen medow and pasture, beyng parcell of the premysses, vij score hed of bestes and mo; and so by ther gret extorte myght and power have withowte any jost tytyll or cause reasonable wrongfully percevyd and takyn the yssuz and profyttes of the premyssys from the sayd xj daye of Julye unto thys present vj daye of Marche in the xxxiiijth yere of your Graces reaygn, to the utter undoyng of your poore sugett and agaynst your Graces peace, crowne and dygnyte, to the parlous ensample of all suche lyke offenders yn case condyngn remedyd be not provyded in thys behalfe. And forasmoche as your poore subject ys a woman of the age of lxxij yeres and more, and beyng also ympotent and lame, and havynge noo other londes ne substance to lyve by, but only the said messuage and other the premyssys, and not of ablyte ne substance to sew for har remedye by the dew order of the comon law, and the sayd Wylliam Knevet ys a man of great substance and greatly fryndyd, akyn and alyed with the moost parte of the gentylmen and men of worshyp in the sayd countie of Yorke, she ys therefore without remedie by the dew order of the comon law, onles your Majesties favor, movyd with petie to har, beyng a very poore wedo, be shewed in thys behalf. In tender consideracion wherof, yt maye please your excellent hyghnes of your moost accostomable goodnes, to graunt your Graces severall wryttes of *sub pena* [etc.]. (*Ibid.*, Henry VIII, Bundle xxx, no. 20.)

27

HARPPER v. BARKER.

To the kyng our souerengne lorde.

(c.1533) In moste humble wyse complenyth unto your hithnes your pour subject and daly orator Thomas Harpper of Cowton in

plaintiffs *re* the manor of Thornton Brigges and lands there and elsewhere. A lease was granted after the suppression of the monasteries to William Knevet, "of the household of the King," of the "late" priory of Esholt for twenty-one years. See *Augmentation Books*.

your counte of Yorke, yoman, as that George Barker, Thomas Smythson, William Barwyke, Richard Barker, Robert Smythson of the same towne of Roclyffe [*sic*], yoman, and Richard Tankerd of Borowbryg, yoman,¹ with dyuers other riotus and mysdemener['d] persons unknone to your said orator to the nombre of xx persons, in most ryotus wyse assembled with force and armes, that is to say, with swordes, staffes and buklers, and dyvers other defensable wapyns, the xiiij daye of Octobre in the xxv yere of your most noble reign, maid assaut and affray of your orator at the said towne of Roclyffe, and bett and wondyt hym so sore that he was in grett jupartye of dethe; and fordermore the said defendauntes, not feryng God nor your lawes, but intendyng to increas their wikyd and malicious intentes, toke and bownd your said complenaunt, and caryd hym from Roclyffe unto Knaysbrough castell, and ther dyd impryson hym by the space of fower monneth, unto suche tyme that they were commandyd by your honorable counsell syttyng at Yorke [*sic*], to the gret impoverysyn and undowyng of your said orator and to the most evyll example of all other lyke offenders. Wherefore wyl it please your hythnes the premyssis tenderly to consyder, to award forth your gracyous wrytt of *sub pena* unto the said George [etc.] to be dyrectyd, commandyng them by the same personally to appere [etc.] and to stond all suche order and direccion in the premysses as by your seid highnes and your moste honorable counsell shalbe thought gud, accordyng to ryght, equyte and gud conscience.

[Signed] Palmes.

(*Ibid.*, Bundle xxx, no. 22.)

To the kyng our souereigne lord.

(*ante* 1513) Humbly compleynyng shewith unto your highnes your dayly orator and dayly subget John London of Southcaue in your countie of York gentilman, that wher he was bounden to oon Robert Sheffield,² nowe ded, in an obligacion of c marc to abyde the award of dyuers gentilmen, the which award the seid John

¹ Richard Tankard, of Boroughbridge, probably Richard Tankard, who was recorder of York from 1509 to 1518, son of William Tankard, Esq., of Boroughbridge. See *Reg. of Corpus Christi Guild*, Surtees Soc., lvii, 138, note.

² Robert Sheffield had livery granted of his lands, as son and heir of Sir Robert Sheffield, and of Ellen his wife, 1519 (Patent Rolls, Dec. 9, 10 Henry VIII, p. 1, m. 11). The family was a Lincolnshire one. On Nov. 29, 1518, an order was given to Cuthbert Tunstall, Master of the Rolls, to cancel twenty-

London for his parte wele and truely hath kept without eny forfeiture of the seid obligacion; and the seid Robert Sheffield, being bounden to the same your pore subject in a lyke obligacion, dyvers tymes hath broken the seid award, as the seid London shall wele and truely proue afore your most noble counsell, one Sir Robert Sheffield, sone and heire to the seid Robert, of long contynuaunce bering a grodge and malyce towardes your seid pore besecher, now of late hath caused an accion of dette to be suyd ayenst your seid besecher in the name of oon Sir John Rowth, chapeleyn, executour of the testament of the seid Robert the fader, surmysyng that the seid John London shuld forfeite the seid obligacion, which he never did; and thurgh craft the seid Sir Robert untruely condempned the same your besecher for defawlt of aunswer, wher in dede he neuer hade eny knowlege of the forget suyte, till he was condempned, and that the seid Sir Robert had taken forth a write called *Elegit* ayent your besecher, to have execucion of halfe his londes and all his godes, to thentent to haue utterly undone your besecher, and to have had his londes and godes to his owne use; for in dede the seid John Rowthe, in whoise name Sir Robert suyde this untrue accion, was neuer prevy to the seid suyte, nor willyng that your besecher shuld be troubled in his name, as he hath shewed openly afore the Right Reverend Fathers in God the Bysshop of Norwich and the Bisshop of Excetor, with dyuers other. This notwithstanding, the seid Sir Robert of late, contrarie to the lawe hath taken out a *capias ad satisfaciend'* ayenst your besecher, wher he ought to haue noon by the lawe; and, by reason therof, had a waraunt directe to three of his own seruantez to attach your besecher. And herapon the seid Sir Robert sent iiij of his seruantez with force and armes, which iiij arested your besecher in the church, then heryng masse; and ther with force hym toke and ymprisoned thre dayes; and then conduytyd hym to the shirif. Thus your seid pore besecher sore hath ben vexed and troubled thurgh the subtile meanes of the seid Sir Robert ayenst conscience. And for by cause your orator is not of power to suye and maynteyn his remedy in the premysses ayenst the seid Sir Robert by the ordre of your comen lawe, considering the grete myght, lernyng and frendes that Sir Robert hath, it may please therefore your highnes, of your charitable disposicion, to graunt seuerall

nine recognizances made by Sir Robert Sheffield, of West Butterwyk, the father, and Robert, his son and heir. In 1517, in the *Letters and Papers*, Henry VIII, we read that the same Sir Robert "is put into the Tower again for the complaint he made to King of the Cardinal."

wryttes of *sub pena* to be directe as well to the seid Sir Robert Sheffield, knyght, as to the seid Sir John Rowth, chapeleyn, commaundyng them to appere [etc.] and then further therin to be ordred for a recompense so to be had and made to your besecher as shall then be thought resonable and accordyng to conscience. And your seid pore besecher shall dayly pray to God for the preseruacion of your most roiall estate long to endure.

Pledges of the prosecution: William Seynt of London,
mercier.

Richard Brett of the same,
grocer.

[Endorsed:] Trin. term, a^o 4 [1513].

The answer of Sir John Routhe, who says that, at the tyme the seyde suyte commensed, he was sole executor to Robert Sheffield, esquier, and was contented with the seyde suyte made upon the seyde obligacion accordyng to the lawe and good conscience. Sens the same sute commenced, John London offred this defendant certen money, shewyng it to him, which Sir John refused. After the writ of execucion called *elegit* sewed out in the name of this defendant, a writt of *capias* for his bodye for faute of sufficientie, accordyng to the kyngys lawes of this londe, was directed to the sherif of Yorkshire, to take the bodie of the seid London; but what the sherif haith doon in execucion of the same, this defendant knoweth not, nor is not priuey to no suche demeanor as in the byll is surmysed; nor hath he made suche confession before my Lorde of Norwych and my Lorde of Exeter.

In his replicacion to the answer of Sir Robert Scheffeld the compleynant says that (wher hytt ys therin surmytted that he purchased his charter of pardon, wherby he confessed hymself to be gyltye of the seyde murder) the compleynant appered appon the seyde appele before the kynges Justice in his benche, and ther pledyd Not gyltye; and proces theruppon contynued unto suche tyme the seid John London sewyd his wrytt of *Nisi prius* before the Justice of assise in your countye of York, and pursewyd the same at his grete cost and charge. And the seid Sir Robert Scheffeld, perceyvyng the same, and intendyng, of his malicious mynd, to contynew the seid John London in sewte, vexacion and troble to the intent he schold not procede to his acquitell, uppon an untrew surmysed suggestion obteynynd a letter missive of the late nobill kyng Harry the viith (who sowle God pardon) direct to his Justice of assize of the countye of

York, commandyng them to surcesse in takyng of eny inquest betwene the seid John London and the seid appellant; by reson wherof the same John cowde not procede to his acquittell in the seid appele; the tenor of whyche letter the kynges chefe Justice of his benche can testefye more att large. And so the seid John was drevyn to sew his charter of pardon to his grete hynderans and grevous impouwerishment, for that he cowdenot opteyn the dew proces of the lawe, without that eny suche billys of extorcion or oppression was fownd or certyfied into the kynges Benche in maner and forme as ys supposed by the answer of the seid Sir Robert Schefeld, and without that the seid John London hath ben an extorcionor and oppressor of his neyborgs and inhabitans of the seid towne of Suthcaue, or made eny suche unlawfull assemble in riottus wyse as in the seid answer is also alleggyd.

A paper of interrogatories on the part of the complainant is attached, to be administered to the defendant Rowth, based on the allegations of the bill. (*Ibid.*, Bundle xxx, no. 38.)

To the king our soueraigne Lord.

In moost humble wise complayneth unto your moost gracious highnes your true and faithfull subiett Cristofer lasselles¹ of Brakynborgh within your countie of Yorke, esquier, as that one Richard Mansell of the same countie, yoman, of a perverse and a slaunderous mynd, not feryng God nor your moost gracious lawes, the first day of Nouembre last past came before Sir William Pawlett, knyght, Master of your Wardes, and then and there, in the presens of the said Master of Wardes, and in the face of your honorable Court, of his owne mere mynd, swore uppon a boke, and there made his adfidauith that he hym self shulde deliuere unto your orator, the xxij day of Septembre last past a *supersedeas*, to thentent that your orator, then beyng exchetor unto your moost gracious highnes, shulde not sitte and enquere by the vertue of your gracious writte called *amobis* of

¹ Christopher Lasselles was the eldest son of Sir Roger Lascelles, of Breckenbrough, in the township of Newsham-cum-Breckenbrough, in the parish of Kirby-Wiske, near Thirsk. Christopher's p.m. inquisition is dated Sept. 3, 14 Eliz. Henry VIII, in 1531, granted licence for a Fine between Sir Richard and Isabella Gresham, his wife, deforciant, to Christopher Lascelles, Esq., of messuages and lands in Balderby and Kirkby-Wiske, held of the King *in capite*. See *Yorks. Arch. Journal*, ii, 93; also see *Star Chamber Proceedings*, i, 96, and note.

the deth of oon William Saer of Worsell, squier, and who shulde be his right heire, and whate age, and of whome the landes shulde be holden of. And that, nowithstondyng the said writte of *supersedeas* were to the said excheter deliuered, the said excheter within ij dayes after, thatt is to say the xxiiij day of Septembre then next folowing, shulde sitt and enquire of the said premisses; and that thereby the verdite of xiiij, sworne and examyned, dyd fynde that the said William Saer shulde holde parcell of his landes the day of his deth of your Grace *in capite*, and his heire within the age of xiiij. Wherof trueth and redy at alle tymes to be evidently proved [*sic*] that there was no suche writte of *supersedeas* deliuered unto your said orator before the said xxiiij day of Septembre, as that the said Richard Mansell full sclaunderously swore and deposed, to the greate hurte and hynderaunce, and to the greate rebuke, slander and shame of your said besecher, if it coulde so haue byn proved; and by the reason of the whiche greate and abomynable defamacion and slaunder your said orator was gladd to come forthe of the farre north parties unto London, to clere and to prove hymself not to be in fault therein, to his great costes and hynderaunce. Wherfor pleaseth your moost gracious highnes, the premisses tenderly considered, to award your gracious writte of *sub pena* to be directed to the said Richard Mansell, commandyng hym under a greate payne to appere [etc.] to aunswere to the premisses and to be punysshed for his open periury by hym so shamfully committed to the example of like offenders, and your said orator shalle dayly pray for the preseruacion of your moost gracious highnes long to endure. (*Ibid.*, Bundle xxx, no. 61.)

To the kyng oure souereign Lord.

In his most humble wise compleynythe unto your highnes your pore subject and dayly orator Richard Tanckerd,¹ that, wher as your seyde orator is lawfully seissyd in his demesne as of fee of certeyn messuages, landes and tenementes in Burbrigge, Aldburgh, Mynskyp, Rouclyff, and Mylby in the countie of Yorke, of which he hath ben possessed by the space of xvij yeres and more, untill now of late that one Thomas Harper and Symond Myddylton of Mydlam, with other riotous persons, of ther covetous and malicyous myndes, haithe not only at dyuers

¹ Richard Tankard (see note 1, page 56 *ante*).

tymes riotously and with force entred into the premisses upon the lawfull possession of your seyde orator, and wrongfully hath vexed and troubled the tenautes and fermers of your orator therof, but also wrongfully destreynyd ther bestes and cattalles, and the same destressez so taken dyd dryue and cary away into a foren contrey, and wold not suffer the delyuere to be maid of them by vertue of replevyn, wythernaym or otherwise, according to your lawes; but in ther most cruell maner them reteynthe and yit kepithe. So that your pore orator and his pore tenants can haue no remedy ayenst the said Thomas and the other riotouse persons in the contrey ther by thorder of your common lawes, nor otherwise by entreatty. And moreover, through the mayntenance, beryng and the speciall commaundement of one Syr William Mallory, knyght, one Symond Myddylton of Nedderstudley,¹ John Mathoo, William Masse, Myls Sygysworthe and Thomas Herper yonger, of ther malicious and pervers myndes, the iiij day of July last past [they] wrongfully and cruelly entred into the forseyd landes of Rouclyff to then-tent only to beat and mayham, vex and troble your orator, his servandes, fermers and tenants, the which said riotous persons then and there forcibly entred into the premisses, and in riotous maner did plowe and terne over the ground and sole of your orator, and dyd manyshe and dryve away his tenautes and fermers, to his utter undoyng. And moreover, the said Sir William, not beyng sattysfied with the premysses, but thrughe his mayntenance, beryng, and his speciall comaundement, the sayd Symon Myddylton and the others on the vth day of July last past, unlawfully accompanied with other riotous persons with them unlawfully assembled to the nombre of xl persons and above, to your orator not knowen, lying in three bushmentes in ther most cruell and riotous maner, with lyke force and armys, that ys to say, they beyng in harnez, with Jackes, sallettes and steill bonettes, bowes, arrois, swerdes, bukelers and stavez, and in cottes of plate and other defensable and invasyve wypons, and in maner of warr arrayed, dyd enter into the premysses, and then and ther dyd beatt your orator's wife with many strokes, and pullyd and cast her to the ground, and drove away the servantes of your orator, and att ther owne pleasure with one plowe did plowe and turn over the ground and sole, and spollyd the corne and greise of your orator ther grovyng and they do daily use themselffes toward your orator, and his

¹ Simon Middleton, of Studley Royal, yeoman, is mentioned as an aggressor in a previous Star Chamber case. See *Yorkshire Star Chamber Proceedings*, ii, 49.

pore fermers and tenantes, in most cruell and riotous maner, so that they dare not occupy the forseyd landes, but by the occasion therof the same lyethe voyd, baron and unoccupied, to the utter impouerisynge of your orator, his fermers and tenants for ever, and to the most perilous example of all suche lyke offenders yf condigne punisshement and spedy remedy be not by your highenez and your honorable Councell provydyd in this behalffe. In tender consideracion wherof it may plesse your highnez to grant your most gracious wryt of injunccion to enjoin them to suffer your orator, his fermers and tenantes peaceably to occupy the premisses, and also commaundynge them to appere [etc.]. (*Ibid.*, Bundle xxx, no. 108.)

31

TALOUR v. CHOMLEY.

To the Kyng.

(1523) In the most lamentable wyse complaynith unto your highnesse your true and faithfull subgette and oratrice Alice Tailour, late the wiffe of Robert Tailour, laitellie of Ryton,¹ in the countie of Yorke, that where the 22nd day of January last past one Rogier Chomlay² of Pykerynglygh³ in your said countie, of his most cruell and terony mynde, send dyuers persons to the nombre of nineteen in ryottous maner arayede in harnesse, with bowes, arowes, billis, glayves and other wepons to take the catall and bestes of the inhabitans and dwellers in the seid town of Rytton (And the names of the seid ryottous mysdemened persons and morderas arne hereafter ensuyng:-- Brand Bellerby, Thomas Todd, Rowland Cowherd, Petre Skelton, Robert Menythorp, Adam Feldewe, John Forman, John Hibson, John Bikers, Mychell Helcott, William Annysley, John Kempe, William Pennok, Richard Mylbourn, Robert Cades, Christofer Maltby, John Edward, Christofer Todd and Robert West), servants and adherentes of the seid Rogier

¹ Ryton, near Malton, a township in the parish of Kirkby Misperton, in the wapentake of Pickering Lythe. The interrogatories in this case are printed in vol. iii of the *Yorkshire Star Chamber Proceedings*, p. 99.

² Roger Chomley, "the elder," as he is styled in the course of these proceedings, of Thornton and Roxby, was heir to his brother, Sir Richard Chomley, of Thornton-on-the-Hill; at Flodden in 1513; died in London April 28, 1538; married Katherine, daughter of Sir Robert Constable, of Flamborough. See Clay's *Dugdale's Visitation*, vol. ii, p. 249.

³ In Pykerynglygh, *i.e.* Pickering Lythe, the wapentake and liberty of which Roger Chomley was bailiff and coroner. It contained two market-towns, Pickering and Scarborough, and forty-six townships.

Chomlay, with dyuers others to your Oratrice unknown, they, by the commaundement and abettyng of the said Rogier Chomlay brake open the dores and walles of the said inhabitans, and with force entered into the howses of John Lammes, Richard Holdore, Thomas Holdore, and Robert Crofton, where as their catall and bestes stode, and losoned them from ther tayninges¹ wher as they stode. The seid Lamme and the others demanded of them wherefore that they so dedde, and they answered, yff thei wulde lett them, they wuld thrust them yn wyth ther daggers and other wepons; and so in ryottous maner they drave furth ther catall. And in the seid towne of Ryton is a woman whosse name ys called Foster wiffe, [who] came into thouse of the said Robert Tailour, he sittying at his brekefast, and shoed hym that his neybour's catall were so drevyn furth, and she thought so shuld his be. And the said Robert Tailour, beyng in Goddis pease and youeres, thinkyng nonne harme to enny man, rose from his bourde and brekefast, and came furth wyth the said John Lamme and the others which aught the said cattell, folowyng the said riottous persons a myelle oute of the said town of Ryton, to haue spoke with the said riottous persons and mordorors, and to intrete them to a left the dryvyng of the said cattall unto Pykerynglyght unto thousse of the said Rogier Chomlay, ther master. And whan the said Robert Tailour and the others came nigh unto them, at a more called Maresse more,² the seid riottous persons turned and shotte at the said Robert Tailour, and strake him throwe the brest wyth one arowe, and to the hart with one other arowe; and so the said Robert fell unto gronde; and than one of the morderas, whos name ys called John Forman, cam unto the said Robert, lying upon the grounde, wyth a pekyd staff, not feryng God nor your lawes, but ther strake his nekke boune a sowndre. And shamfullie ther the said riottous persons dedde hurt and wonded with arowes and other wepons 6 other persons at that tyme, wich arre in grate jobardy and ar like to die, and too of them are never like to esscape, that ys to say, William Tailour and Harry Wilson, for they ar sore hurt in the hede with arowes, and in other partis of ther body. And the said Rogier Chomlay, master unto the said riottous persons, beyng crowner ther, the next day after sat at the said Maresse more upon the syght of the body of the said Robert Tailour,

¹ "tayninges." In the interrogatories, vol. iii, p. 99, these are described as "festes & tyes."

² Maresse More, Pickering. There are two Marishes, East and West, one in the township of Thornton and the other in that of Pickering.

and impaneled a qwest, and the said qwest durst none otherwyse fynd but that the said Robert Tailour was slayne, but they knew nott by home; but of a suertie the said John Forman brake the nekke of the said Robert Taylour with his pyked staffe, when he was shott through, & lying upon the ground. And the frendes of the said Robert Taylour caused one Master Gowers, being crowner of Yorkshire, to sytt upon the said Robert Tailour, by cause yt was thought he shuld be more indeferent juge than the said Rogier Chomlay was; and so the said Master Gower inpanelled a qwest, and gaff them ther charge, and by cause the qwest wull' nott gyffe the varyett ayens the trught after the said Roger Chomlay mynd, the said Chomlay dedd cast haffe the qwest in prison, and as yett the said qwest hath not gevyn ther varyett. And so the said Chomlay wuld have put in prison your oratrice and hyr chydren by cause they dedd crye ought of the said Rogier Chomlay and morderas, wich had so mourdered hyr husbond and father unto the said children. And so your said oratrice was so affered of imprisoment that she cam thens as a begger, and left neyther gydde unto hir housse nor unto hyr chydren. Thertofore pleased your grace tenderlie thesse premysses to considre [etc.].

Endorsed with an order by the Lord Legate and Cardinal, Chancellor of England, 14 April, for the summons of the parties complained of, by writ of *sub pena*, to be before the King and his Council at Westminster on the Morrow of the Ascension, under a pain of £100 each.

The aunswere of Roger Cholmeley of Pykerynglithe. For the declaracion of the trouthe the seid Roger seith that he is baylly and deputie under the Lorde Rosse¹ of dyvers offices within the libertie of Pykerynglithe, beyng parcell of the Kynges Duchie of Lancastre; and, forasmoche as there was dyvers rentes, customes and also amerciamentes whiche was due unto the Kyng by Walter Percehey² and the inhabitantes of the town of Ryton, whiche is within the seid libertie, and by reason that they were reseauntes within the seid towne within the precincte of the lete of Pykeryng, whiche Percehey and inhabitantes denyed alwey to paye, insomoche as the seid

¹ Lord Rosse, *i.e.* Sir Thomas Manners, summoned as Lord Roos to Parliament by writ, 1515, and again in 1523. Created Earl of Rutland 1525, died 1543.

² Walter Percehey, brother to William, son and heir of Lionel Percehay. He married Joan, daughter of Sir John Pikeringe. See *Star Chamber Proceedings*, ii, 181.

Walter and William Percehey¹ his broder seid that if the seid Roger came unto Ryton, and brought with hym a hundreth persons for to distreyn them and the seid inhabitantes, he and his company shuld putt them in jeopardie of ther lyffes. Wheruppon the seid Roger, to the intent to avoyde suche inconvenience that myght happen betwene hym and the seid Percehays, wold not com hymself to the said towne, but sent dyvers of his servantes thether, that is to say, John Bekar, John Forman, John Ybson and other, for to distreyn the seid Walter Percehey for dyvers amerciamentes whiche he hadd lost in the Kynges Courtes at Pykeryng for suytes, whiche he ought to doe to the same Court, and the inhabitantes of the towne for a rent called Hungylde,² due to the Kyng. At which tyme his servantes dystreyned the cattell of the inhabitantes for the said rent called Hungildes in peassible maner, and drave away the said cattell towardses the castell of Pykeryng to the kynges ponde there, as lawfull was for them to doo. Wheruppon the two Perceheys and other riottous persons to the nombre of 24 or thereaboutes, of the inhabitantes of the said towne, having knowlege thereof, assembled themselfes, arrayed in defencible maner, havynge Jakkes, sallettes, bowes, arowes, billes, gleyves and other wepons, and ryotously with force and armes folowyd the servantes of the said Roger to the intent to rescue the said cattell frome them, in suche riotus and forcible maner as afore this tyme haith not bene seen, more like rebellious then the Kynges subjectes, folowyng them unto a brigge called Lundbrige a myle frome Ryton, and there shotte foure or fyve sheffes of arrowes, and assawted the said John Bekar and other, and sett upon them. Wherefore they, entyndyng to kepe the Kynges peace, fledde frome them, dryvyng the cattell towardses Pykeryng Castell. Yet William Percehey and the others styll chased them to a place called Maresmore, and ther newly assawted them. But they in no wise wold medle ne retourne ageyn, but still fledde, dryving the cattell with them. The others then pursued them so fast unto a place within the said Maresmore next Pykeryng Carr, two myle from Ryton, and ther lyke to putt theym in greatt jeopardie and daunger of ther lyffes, insomuche as the servantes of the said Roger was

¹ William Percehay, brother of Walter, married Jane, daughter of John Vavasour, of Haslehurst (Glover, p. 187). See Clay's *Dugdale*, ii, 227. His sister, Isabel, married Robert Creyke, Esq. See *ibid.*, p. 448, and *Star Chamber Proceedings*, ii, 137.

² Hungeld, or Hungild, was the payment for the expeditation of dogs. The term constantly occurs in the records relating to the Forest of Pickering. See *North Riding Records*, No. 8, vol. i, p. xxxiii.

so feynt that they could flye no ferther. Wheruppon the said riotouse persons shotte at theym certeyne sheffes of arrowes, so that they by greatt violence were dryven in defence of theym selffes to shotte ageyn; wheruppon both companyes were scattered abroad, by reason wherof John Gymlyng and John Forten, servantes of the said Percehey shote 2 arrowys, when boith companes were myngled to gythers by reason of hand-strokes, so that by mysaventure the said Gymlyng and Forten shote the seid arrowes, and strayk the said Tayllour, beyng one of ther owyn companye, and slew hym. And afterward, the same day, the said Roger Cholmeley hadd knowlege that the said Tayllour was slayne, for the whiche he was right sorye that suche a chaunce shuld happen betwene his servantes and the seid riotous persones. Nevertheless, according to his duetie, the seid Roger beyng crowner theyr within the seyed libertie (the whiche have bene used alwey to have a crowner there of tyme oute of mynde) satt uppon the view of the body of the said Tayllour at the place where the seid murder was comytted; before whome it was founden, by verdite of 12 honest persones, that the seid Tayllour was murdred by the foreseid John Gymlyn and John Forten, servantes of the seid Percehey, whiche was thought then that the seid Roger was not indefferent to sytt apon the view of the body. And then the seid Perceheys the next nyght folowyng caused the body of the said Taylour to be takyn oute of the grounde, whereas he was buried, and to be caried oute of the said libertie, and then sent for one Gowre, one of the crowners of the shyre of Yorke, to sitt appon the view of the said body, contrary to the prevy-leges of the said libertie; before whom it was founden lykewyse that the said Tayllour was slayne, and hadde 2 mortall woundes with 2 arrowes, by the handes of the seid Gymlyn and Forten. And afterwards at a Cessions holdyn at Newburgh in the North Rydyng, before Sir John Nevyll, knyght and Rauff Baty, Justices of Peace within the said countie of York, the said Walter and William Percehey and other the inhabitantes of Ryton to the nombre of 25, were endited of the forseid riott and mysdemeanours, as by the copy of the same enditement it may appere, the same Roger beyng att that tyme att London, without that that he of his most cruell and tyrony mynde sent dyvers persons [etc.] as in the bill is set forth.

The replicacion of Alice Tayler re-asserts the statements made in the bill, adding that, since the said murder was committed, Cholmeley has received, aided, comforted and main-

tained the said riotous persons and murderers, and by his unlawful maintenance has covertly conveyed them away, so that they have not been ready to be brought to answer for the said misdemeanours, whereby the said Roger has become accessory to the murder. She says the cattle were taken by command of the said Roger at the desire of the abbot of Ryvaux¹ for a certain debt which the abbot claimed of Walter Percehey and of the inhabitants of Ryton.

The rejoinder of Roger Cholmeley the elder alleges that, without a company of men, the King's duty could not be levied, because the inhabitants of Ryton are so frowardly disposed. He has not covertly conveyed away his servants, as in the replication is surmised, nor were the cattle taken only for the debt of the Abbot of Ryvaux; for as much as the said Walter Percehey at that time had neither goods nor chattels in the town of Ryton; but for Hungell rent, amercements and divers other customs and services due unto the King's Highness by the inhabitants of Ryton. Nor were the said indictments found by the sinister and unlawful labour of the said Roger, but truly found according to the truth.

Deposition of John Harrison, aged 28 years, 13 July, 15 Henry VIII [1523]. After the murdering of her husband, Alice Taylor desired this deponent, as her nighest neighbour, to deliver two *sub penas*, wherein were divers names, as he supposeth 10 in number, one of which he delivered to one—Pennock, mylner, and Pennock threw it at him again; and the deponent desired two men, whom he knew not, to testify the delivery thereof. And thereupon Pennok went to his house, and took out a battle axe, and followed this deponent, and overtook him before he took his horse (which horse was a good way in the town) with many after him; and then desired this deponent to show him wherefore it was; and he said for the killing of Robert Taylor. And then he went to Rufton,² where Mr. Cholmeley lieth, and showed his wife that this deponent was with him, and delivered him a *sub pena*. Then she sent one of her servants to recall him, who delivered him to one Robert West, being gaoler of Pikering castle, and so he brought him to the castle, where he remained 8 days and 9 nights. And he so being there, there came one John Clerc, servant to Mr. Cholmeley, and said it were no sin to take a leg or an arm of him,

¹ Richard Byton was the last abbot.

² Rufton, a clerical error for Ruston, a hamlet in the parish and township of Wykam, seven miles from Scarborough.

or to put a dagger in him, for as much as he durst presume to serve any process in the castle, for he said the King had nothing to do there, for it is the Queen's chamber.¹ (*Ibid.*, Henry VIII, Bundle xxx, no. 109.)

32

PLAYN *v.* STEYLL.

To the Kyng our soueraign lord.

1535

In moste humble wyse complaynyng sheweth unto your excellent Magesty your pore subget Thomas Playn of Slenyngforth² in your countye of York, yoman, That where as one William,³ late the abbott of the monasterie of our blessed Lady of Fountaunce in your seid countye, as in right of his seid monasterie were seised of a mesuage, 40 acres of lande, 10 acres of medowe, and 20 acres of pasture in his demesne as of fee, and by his covent seale made a lease of the premysses to your pore orator for terme of his lyff, by force whereof your orator was seised in his demesne as of frehold, and toke the issuez untyll suche tyme that one Christofer Steyll of Slenyngforth, yoman, and Elezabeth his wyff, and Richard Henryson of the same, yoman, with dyvers other misruled and ryotous persons to your orator unknowne to the nountber of 7 persons and above, the 20th day of February in the 26th yere of your reign (1535), with billes, bowes, staffes, swerdes, buclers and other wepyns defencive of ther cruell mynde and extort power, without any tytyle of right the said mesuage and other the premyssez in most outeragious and ryotousse maner dyd ryottously breke and enter, and your seid orator therof expulsed, and dyd make affray uppon your seid subget, and hym sore bete and wounded, and also smotte the draught oxen of your seid subgett, by reason of whiche strokes two of the seid oxen dyed; and also wold not suffer your seid subget to occupy the premyssez, but continually kepeth the possessyon and profettes therof, to the utter undowyng of your seid subgett for ever. In consyderacion whereof, and for asmoche as your seid orator is a pore man and nott

¹ The interrogatories in the above case have been printed in *Yorkshire Star Chamber Proceedings*, iii, 99, and note there, where it is stated that "according to the Minister's Accounts for Rievaulx (1539) this house was possessed of property in Righton, paying only 32s. a year rent" (*Rievaulx Chart.*, p. 317).

² Slenyngforth, *i.e.* Slenyngford, in the township of North Stainley-with-Slenyngford, 4½ miles from Ripon.

³ William Thirske, abbot of Fountains. He had been deprived of his office in 1536, and in 1537 was tried and executed at Tyburn for refusing the oath of supremacy, and on the charge of being implicated in the "Pilgrimage of Grace." He was elected abbot in 1526.

of abilitie to pursue for the redresse of the premyssez accordyng to the Course of the Comon lawe, that yt may therefore please your grace, the premyssez tenderly considerid, to graunt your wrytt of *sub pena* to be dyrected to the seid Cristofer Steyll, Elezabeth and Rychard Herreson, commaundyng them by vertue of the same personally to appere afore your grace and your moste honorable Councell in your starre Chamber at Westminster at a certeyn day and upon a certen payn by your grace to be lemytted theyr to aunswere to the premyssez.

The aunswer of Christofer Stell.

As to any riote, forcible entre, fray, batrey, bettyng and wondering of the playntyve, hurtyng and kyllyng of any oxen he in no condicion is gylty; unto his knowlaige he knowyth no landes nor tenementes that the said playntyf have any cause of compleynt [*sic*], except the said playntyfe of his ferther wroyng woyld clame and make any pretens or tittle to a meysse and 30 acreys of land, 10 acreys of medowe and 20 acreys of pasture in Slennyngforth in the countey of Yorke, wherof the said playntyf lawfully is possessed; and as unto that sayd messe and other the premesse the sayd defendant saythe that he and his aunsitors the tyme out of mynd have ther of bene possessed by all ther lyf tyme as tenautes and vary trew fermers of the same by and after the costome of the country, thenheritentes and frehold whereof ys and of long tyme haue bene unto the abbot and covent of Funtance; and the said defendant hayth treuly and accordyng to the said coustome paid yerly to the said abbot and covent the rent of 23s. 4*d.*, and other accostomed dewties fynes and services belonginge to the premissez. And the said defendant was lawfully by and after the deth of his said father admitte as tenaunt by the Costome, and to the same presented by the holl homage and tenautes of the said Costome for terme of lyf, as belongeth unto the said Costome, and for the same paid his fines and costomes in any wise to the premissez beloyngynge, wiche Costome is that the lord nor non other person may not expulse lawfully any tenaunt of his fermhold, he dowyng and payng his rentes, costomes and other services ther accostomed and known to be down [*sic*], wiche costomes and services in every artacle the said defendant havie alwais lawfully kept, and the premissez peasable have occupied by the space of 20 yeres and more, without let or interupcion of any person, without that that the said abbot demissed or myght laufully demisse the said premissez to the playntyf, or that ever any lawfull livery and seisson was made by vertue of said dede to the pleyntyf [etc.] as in the bill is surmised.

33

HESLERTON *v.* BUKTON AND OTHERS.

To the moost Reverend Fader in god, Thomas, Lorde Legate, Cardenall Archebusshop of Yorke and Chauncellor of Englund.

1522

In moste lamentable wyse compleyneth unto your noble grace your dayly oratrix Anne Heselerton, wedow, late wyfe to Thomas Heselerton¹ decessid, that where Rauphe Bukton, Peter Tod and other were lately enfeofed to thaym and thayre heyres in fee to the use of the said Thomas and his heyres and to the performaunce of his laste will of a messuage and twelve oxgange of lande in the towne of Helpthorpe,² co. York, and the said Thomas by his will declared that your Oratrix shuld injoye the premysses to her owne propre use frely (of which premysses Robert Stevynson then and contynually syns was and yett is fermor), and after the said Thomas Heselerton dyed,—so it is, good and gracious lorde, that John Heselerton, son and heyer unto the said Thomas, nott feryng god or yett the kynges lawes, utterly entendyng to breke and make voyde the laste will of his said fader, contrary his naturall dutye, all good right and consiens, the 4th day of October 12 Henry VIII [1520], beinge within six dayes after the dethe of the said Thomas, forcybly into the premysses entred, and the profytes therof by the handes of the said Robert Stevynson by myght and compulsion wrongfully to his owne use hath taken, agaynste the Kinges peax and his lawes. And not therewith contentid, of his further malice, the 20th day of Maye 13 Henry VIII [1521] ryoteously to him assembled six ryoteous persons, that is to saye, Rychard Boreman, John Stevynson, Brian Heselerton and other to your oratrix unknowen, and with billes, bowes, swordes, bukelers and other wepons of warre, forcybly into a capitall mesuage, 13 oxgange and a halfe of lande and divers tofts and crofts thereto belongynge in Heselerton (the jointer of your oratrix) [did enter], and then and there enpounded certeyne shepe of your oratrix to her greate trouble, coste and vexacion, and to her utter undoyng for ever, oonles your moost gracious pety to her be shewed in this behalfe. In consideration wherof it maye pleas your gracious lordship to graunte the Kinges moost gracious lettres of commission to be directed unto some worshipfull gentilmen that be indifferent within the

¹ Thomas Heselerton, otherwise Heslarton, was a member of the family of Heselerton of that ilk, eight miles from Malton. See Clay's *Dugdale*, vol. ii, p. 448.

² Helpthorpe, *i.e.* Helperthorpe, four miles north of Sledmere, in the East Riding.

said countie by your good grace to be named, whiche by vertue therof maye haue auctoritie to call both the partyes before thaym, and to have the herynge and examynacion of the premysses, and fynally to ende and determyne the same, if thaye maye soo doo, or elles to make due certyfycath of all and every thinge that they shall here and be instructed of by the said partyes consernynge the said premysses unto your noble grace and other the lordes of the Kinges moost honorable Counsaill at a sertayne daye therin to be lymytted, wherby your grace and the lordes of the said Counsaill then to take further dereccion and ordre in the premysses as shall stonde with justice and equitye, and this at the reverence of God and in wey of charytie. And your said oratrix shall dayly praye to Jesu for the prosperytie of your gracious lordship longe to endure.

[Endorsed] (*in Latin*). The answer of Bryan Hygden,¹ clerk, Dean of York, Sir Ralph Euer, knight,² and Roger Chamley, esquire,³ By virtue of the King's writ to us directed and to this bill annexed, we certify the King's Council that we have, in accordance with the said writ, examined the matter in the bill contained, to determine the same finally if we could; and all and singular the things in this respect by us done, or which we could do, appear in the bill of the answer of John Heselerton, gentleman, in the said writ named, and in a bill of replication of the within named Anne Heselereton, widow, signed by us, and to this bill annexed.

The awnswer of John Heslarton, son and heir of Thomas Heslarton, unto the bill of compleynt of Anne Heslarton, wydowe.

For eny thynk by hym done ryotously or otherwyse contrary to the Kynges peax or his lawes, he is therof nothyng gylty, as the seid Anne in her bill of compleynt hath wrongfully surmysed. And for declaracion of truthe uppon the premisses

¹ Bryan Hygden, dean of York 1516 to 1539. Drake gives the inscription over his tomb in the Minster thus: "✠ Of your charitie pray for the soule of Master Bryan Higden, sometime dean of this metropolitical church, and residentiary of the same by the space of xxiii yeares, which departed to the mercy of almighty God the fifth of June in the yere of our Lord God 1539."

² The will of Sir Ralph Eure, of Malton, is dated as made in 1533, but not proved until 1551. See *Test. Ebor*, Surtees Soc., vi, 183, note, and *Pudsey Deeds*, p. 357. Sir Ralph was buried at Hutton Bushell, six miles from Scarborough.

³ Roger Chomley, probably the brother and heir of Sir Richard Chomley, of Thornton-on-the-Hill, lieutenant of the Tower of London, who died in 1521-2. He fought at Flodden in 1513; married Katherine, daughter of Sir Robert Constable, of Flamborough. See Clay's *Dugdale*, ii, 249. See also *Select Cases in the Star Chamber*, vol. xvi of the Selden Society.

he seith that longe tyme afore that Thomas Heslarton, his fader late decessyd, whos soule Jesu assoyle, had eny thyng in the landes in Helperthorpe in the bill specyfied, one Thomas Wylkynson, clerk, parson of the church of Harowe of the Hyll, co. Midd., was seassed therof, and by his dede therof infeffyd Bryan Palmes, serjeaunt at the lawe, Thomas Heslarton, Rauf Bukton, John Heslarton and other, by the name of alle his landes and tenementes in Helperthorpe and Est lutton,¹ co. Yorke, to hold to the seid feoffees to thuse of the seid Thomas Wylkynson for his lyfe and after to the use of thafforesed Thomas Heslarton, the fader, and John, son and heir of the seid Thomas, and the heires of the seid John for ever. By force wherof the seid Thomas Wylkynson toke the rentes therof duryng his lyfe, and after his dethe the seid Thomas Heslarton toke the rentes in lyke maner; and after his dethe the seid John peceable entred, and toke the rentes therof by the handes of his fermor, as lawfull was for hym forto doo, which matters he is redy to aver as this Courte will awarde, and prayeth to be dysmissed oute of the same with his resonable costes and expenses for his wrongfull suyte, troble and vexacion by hym sustenyd in this behalfe.

In her replication the complainant says that if such feoffment were made by Wilkinson, as alleged, it was to the use of Thomas Heslerton and his heirs, and to the use of the performance of his will, which willed that the said Anne should have the premises to her own proper use, as appeareth in the said will and bill of complaint.

Both answer and replication are signed:

Brianus, decanus Ebor.

Raff Eure.

(*Ibid.*, Henry VIII, Bundle xxx, no. 139.)

To the Kynge our Soueryng Lorde.

1534

In most humblewysse compleynyth unto your heighnez your treu subyect and daly oratour Roland Herbert of Skypwyth² within your countie of Yorke, yoman, that wher as oon Dame Anne Hussy,³ late wyffe of Wyllyam Hussy, knyght deceasyd,

¹ East Lutton, in the parish of Weaverthorpe, two miles from Sledmere, in the wapentake of Buckrose.

² Skipwith, a parish town 5½ miles from Selby.

³ Dame Anne Hussey. See suit, "*Stabill v. Hussey*," p. 4 *ante*.

in hur pure wyddowe hodde beyng sole seasyd of one closse callyd Norwood amonges dyversse other landes in the towne and feylde of Northduffeld in hur demeane as of fee symple by the devysse and counsell of oon Wyllyam Hungate, esquier,¹ hur frende and counsellor, demysed unto your oratour the seid closse for terme of xvj yerres, of the whych terme percell doith yett contynue, as by a payre of indenturez beryng date the xxij yerre of your most noble reyn at large more pleylnly doith appere, the counterpane of the which is redy to be showyd to the Court; by vertue wherof your oratour was in pesable possession, unto nowe of late, that oon George Hussy of the seid towne of Northduffeld, esquier, of a perverse and wyked mynde and withowte any title or just cause, the v day of June last past did sende unto the seid closse certen unknowne persons to the nombre of iiij persons, there to dygge and grave peyttes and turffeez. Your oratour intreatyd them by fairre wordes to depart, and so they did, and tolde the seid George Hussy what he had seid unto them; who therupon callyd unto hym the seid offenders and unknownen persons, with dyversse other wyked and evyll disposed persons, that is to say, Thomas Senowys, Thomas Smyth, Richard Wynne, Henry Ray and Thomas Robynson, his servandes, with diverse others to the nombre of xij, with swordes, staffes and pycheforkes and other defensable wepons, the same day at after nonne, about three of the cloke, commaundyng them to goe with hym to the said closse, and part of them shuld dygge turffeez, and the other part of them shuld stand by, and to slay and kyll your seid oratour, yf he cam ther, or yett any for hym. And they accordingly breke into the seid closse, and ther dygged the grounde and gatte turffees to the substance of ten or twele looddez, to the grett impoueryschyng of your seid subject. And furthermore on the xij day of June then next folowyng the seid George Hussy did send to the seid closse oon Henry Ray, Wyllyam Laverok, Wyllyam Blanchard, John Hogge and Thomas Robynson, with diverse others, ther to digge and to stande by, as before, and your oratour, not knowyng of this unlawfull assemblment, dyd sende oon Jamys Robynson, his seruande, to loke unto his pasturez; and as he walked abowte, he persavyd them, and desyred them with many fayre worddez to leyve ther dyggyng and to depart from thens. And they aunsweryd and sworre dyverse and many grett othes that he shuld have that that he came for; and then and ther assaulted

¹ William Hungate, of Saxton. His will is dated 22 June, 1547, and was proved April 19, 1548. See Clay's *Dugdale*, vol. ii, p. 45.

the seid Jamys, and hym stroke both of the armes, legges and handez that he kept his bedde by the space of a monyth, in grett jopardy of deith; and at the same tyme they toke from the seid Jamys his staff, hatt and cloke, and caryed them away, and them doith yett retene. And after this done they dygged xxx loddez of turffeez and xl loddez of whynnez or fyrrez, to the gret impoverishyng of your seid oratour, his wyffe and his chyltern. And after this assaute and ryott made and done, the said George Hussy gaffe unto the said ryottusse persons and to divers of his tenauntes, the said turffees and whynnez, to that intent that they shuld be morre prompte and redy to do lyke myschevos dedes a nother tyme when he bade them.

Also, wher as your beseacher is seasyd of a tenement in the towne of Northeduffeld, to which, tyme owte of mynde of man, there has been used to belong commen throwe owte all the morre of Northduffeld with all maner of cattell, now of late the said George Hussy of his perverse mynde wyll not suffer hym to have commen ther, nor no man for hym, and haith amercyd your beseacher in his court kepte at the said towne for scowryng of dyches and for other injures, wher of truthe the seid dyches haith not byn usyd to be scowryd in tymes past, nor yet can not, by cause the water that standith ther is so depe, withowt jeperdy of drowneyng; nor yett your seid beseacher haith nott comytted at any tyme any such injurez or offence wherfor he shuld be amercyd. And thus he inquyetes your said oratour daly, that he can not lyve in reste and in peace, to his grett impoverishyng. And wher as your seid oratour is resayver and baly to dyversse worshipfull men, he dare nother goe nor rydde in the countre to loke of such besynez and trustes as he is put in for feare of meamyng or kylling, the seid George Hussy he is so myschevos and so cruell, and haith so myschevos men belongyng unto hym. And also the seid mysdemeanyd persons are indytte of ryott for the same evyll dede at a quarter sessions holden at Norton within your seid countye of Yorke.

And, forthermore, the seid George Hussy, not hym content with all this evyll dedes aboueseid, intendyng not only to impoueryshe your seid oratour, but also to sley and morder hym, hys chylder and his seruandez, the xxij day of June last, at vj of the cloke at nyght, that oon Richard Herbert, son to your seid oratour, was at his fader housse, and intendyng to goe to his owne house the same nyght, sende oon Thomas Robynson to Ser Edward Pereson, vycar of Skypwyth and to John Pereson, brother to the seid Sir Edward, to come and speke

with hym; and after they had so don they retourned again to Skypwyth with one John Jonge, servande to the seid vycar, at tene of the cloke in the nyght, and ther prevely lay in waytte of the seid Richard in most ryouttussewysse, intendyng to morder hym; and the seid Richard, thynking no yll nor beryng no mystruste to any man, met with the seid iij persons, and peasably askyd Who is ther? They aunsweryng seid Thou shalt wytte; and so the prest with a longe yron forke, and the ij oder with pyked staffez, stroke at the seid Rychard, and hym sorre wounded of the hede, so that he was in grett jopardy of his deyth, and no surgen wold undertake hym of a grett space, and, if a woman had not cryed, they had sleyne hym at the same tyme.

And wher as your oratour was constrenyd to sue unto your hyghnez for your gracyouse wryttes of *sub pena*, the vj day of Septembre last past [he did] sende oon Jamys Robynson and oon John Spyncke to delyuere your gracyouse letturs to the seid George Hussy; and after that they had delyuered the same, retournyng homeward, the seid George Hussy commaunded Christopher Penrith, Jamys Hayton, John Coke and Richard Wynne, being his seruandez, with longe pyked staffez to rene after them, and to beyt them. And when they over toke them they askyd them who made them so bold to send them, and what besenez they had ther; and they aunsweryd ageyn to serve the Kynges prossez. And the seid iiij misdemeanyd persons aunsweryd that shalbe to your coste; and with that stroke at the seyde Robynson and Spynke, and inforced them to take an housse for savegard of ther lyves. And the seid Richard Wynne callyd for fyrre to fyrre the house; and the seid Robynson, for drede of fyrre, yssued owt of the housse; and Wynne, with the other abovesaid, pursued hym, and drove hym into a water, and cryed kyll hym; and hym sorre wounded, and, if men and women had not helpyd, they had sleyne hym; and forther dyd sett the seid John Spynk in the stokez and pyttyusly intreatyd hym. And after this done, the seid Robynson goyng homeward, trustyng that he had escapyd and suspectyng no yll, sawe the seid mysdemeanyd lying in waytte for hym with bowez and arrowez; and, if he had not retournyd ageyne, they had sleyne hym.

And wher as the seid Richard Wynne, oon of the defendauntes abovesaid, sued owte of your honorable Court of Chauncery a *supersedias*, and ther put in suertiez of good a beryng to the same, yet he, takyng no regard nor haveyng no feare of your gracyouse lawez, haith this misdemeanyd hymself,

to the most evill example of all such like offenders; and your seid orator is not able to abyde in the Countre, but [must] fle from thens, onles remedy be shortly provyded. In consyderacion wherof it may please your Hyghnez to graunt forth your gracyouse writtes of *sub pena* to be directyd unto the seid offenders, commandyng them to appere before your Grace in the Stere Chambre [etc.].

The answer of Thomas Senowys, Thomas Smythe, Richarde Wynne and Henry Ray, of any riot, force and arms, unlawful assembly, assault, abetment, procurement and unlawful digging as surmised, they are not guilty.

Henry Ray says that George and all other his ancestors, owners of an estate of inheritance of the said close called Norwood, have been used, time out of mind, to dig yearly in the said close sufficient "turfs and flawtes"¹ for their fire bote to be used within their dwelling house, in whose hands soever the said close was, either in lease for years, for life, or otherwise. By reason whereof, the said George Hussy, according to the said custom, on the said 5th of June and at divers other times hired the said Henry Ray, being a common labourer in the town of Norduffeld, to dig and pare flautes in the said close. And the said Ray on the said 5th of June and at divers other times in peaceable manner went unto the said close, and there he and other common labourers hired by the said George Hussy, digged and pared about x or xij loads of turfs and flawtes, as before time hath been used to be there done, without that he was guilty of any riot [etc.] as in the bill is surmised.

Attached are the interrogatories to be administered on behalf of the complainant to George Hussy, esquire, Thomas Senows, Thomas Smythe, Richard Wynne, Henry Raye and Thomas Robynson.

Thomas Senowes, examined 23 October 26 [Henry VIII] knows that the complainant holds such a lease, made as in the bill is alleged. George Hussy sent four persons to the close called Norwoodes, to dig and grave pits and turves, but he knoweth not but what the said Hussy may so lawfully do. The said four persons departed from the said close, because the complainant would not suffer them to work any longer there. Of these four Henry Ray was one, George Chapman and William Barneby others; the name of the fourth he does not know. As to any words or variance he can say nothing, because he was not present, but was then at a town near unto Scarborough.

¹ "Flawtes, flawses," square pieces of heath turf dried for fuel. See Halliwell, *sub voce*, and *Yorkshire Deeds*, vol. v, p. 35, note 5.

Thomas Smythe says as above, adding that it is true that the workmen were sent away from the said close; when they told their master, he made no such assembly, but only sent the workmen to work again; and sent this deponent alone to speak with Harbert or some of his servants, to know why he would not suffer the workmen to work there. There was no violence threatened; his master only sent the labourers to dig the turves. On the 12th of June he sent the men named in the bill, when the complainant sent James Robinson to threaten them (as they say), and he assaulted them and made affray (as they say), and in the affray he was hurt upon the thumb, without any other hurt, and kept not his bed. They digged xij loads of turves, but how many loads of whins and furze he cannot say.

Richard Wynne cannot depose to the digging of the turves, etc. He was not privy to any of the matters saving only the serving of the *sub pœnas*. It is true that James Robynson and John Spynke did serve the said process upon his master and other persons, and after departed their ways; and it is said that afterwards they met with the said Richard Penrith, and made an assault upon him, by reason whereof the King's constable would have had them to the stocks. And because Robinson came with the said process, he was let go and not punished; and because Spynke had nothing to do, but came with Robinson, and because it was he who made the affray, the said constable had him to the stocks. This deponent never made any assault, nor called for fire, etc., as asserted in the bill.

Henry Raye of Northdowfeld, labourer, aged 30, says he and the other men left off digging turves at the intreaty of Harbert, and George Hussy sent them back to continue their work. Within four days after Hussey sent them to work there again, and Thomas Robinson brought them their dinner; and James Robynson came walking by, and with his staff violently struck the said Thomas to the ground. This deponent thereupon went to the hedge, and drew out a stake, and therewith struck the said James on the thumb, so that he let fall his staff, hat and cloak, and ran away. The said Herbert is seised of a tenement in Northduffeld, but whether he hath title to any common belonging thereto he doth not know, but if he show his deeds, whereby he should have such common, he believes George Hussy will not deny him. Herbert may live in quiet, and go and ride where he will, for the said George is impotent and may not ride, but as he is lifted off from his horse.

None of them can depose anything as to the alleged lying-in-wait for Richard Herbert. (*Ibid.*, Henry VIII, Bundle 30, no. 140.)

35

HEWETSON *v.* MAN.

To the Kyng our sovereyn Lord.

1515

In most humble wise shewyth unto your Highnes your power Subgett and dayly Bedman Edward Hewetson of Overpopulton¹ within the county of the cyty of York, yoman, that one Petur Man of Lyttill Osbourne² in the county of York, yoman, on the 15th day of July in the 22nd yere of King Henry VII [1506], maliciously dysposed, intendyng to have murdered your seid subgett, lying by the Kynges high waye in a place called Hamerton feld in the county of York, with 3 persons with him associate, with swordes, bucklers, bylles and glevys in riotus maner, that is to say, Fraunces Man, son of the seid Petur, and two other to your seid subgett unknowen, they riotusly toke your seid subgett by force, and caried him from thens to a town called Qwykksley³ and there by force all the nyght folowyng kept him, and in the same night season compelled him to be bound with seuerty with hym in grete sommys of mony to the forseid Petur by force of gret thretynges and manasses; by reson wherof the forseid Petur and Fraunces caused dyverse scottes, and vexed and troubulled your seid subgett, and caused hym by untrue means to lese gretate [*sic*] goodes to the somme of £40 and above. And yet not thus sasiate, but intendyng more mischeve to your seid oratour, after that, at a place of thabbottes of Fontayns called Thorp Underwod⁴ uppon seint Johns day in Cristmas, the 7 yere of your most nobull reign, soveraign lord, the forseid Fraunces Man, associate with Gregory Man his brother and other riotus persons to your seid subgett unknown, with a drawn sword gave to your seid subgett many sore strokes and browsed woundes, furst with a sword and then with a byll, and after that with a pykked staff, and yff God and Riddaunce or other people had nott byn, he had then and there murdered and slayne your seid subgett. And not thus satisfied, but intendyng continuaunce of further mischeve, about saynt Jamys day the 8 yere of your most nobull reign, one Maister Guy Welstropp,⁵ esquier, intendyng to

¹ Over-Populton, Upper Poppleton, in the parish of Bishop-Hill, four miles from York.

² Little Ouseburn, a parish-town five miles from Boroughbridge.

³ Qwykksley, *i.e.* Whixley, a parish-town six miles from Boroughbridge.

⁴ Thorpe-Underwood, a township in the parish of Little Ouseburn.

⁵ Guy Welstropp. Wilstrop, whence the family got its name, is in the parish of Kirk Hammerton, some three miles north of Tockwith. Very little seems to be known about the family. See *Star Chamber Proceedings*, iii, 70, note. It appears from *ibid.*, i, 167, that the name of Guy Wilstrop's father was Miles. There are two cases in the same vol. of *Proceedings* in which he seems to have been, perhaps, discredibly involved. See cases Nos. v and LXXIV.

have unresonabull mayntenaunce and beryng of hym, by reson wherof the forseid Guy mayntened and bare the forseid Petur and Fraunces unlaufully and by their crafty means made himself a promoter in the Court of York, and untruly accused your seid Oratour *de Crimine pessimo*, and, for the expedicion of his untrue cursed purposse, brought the forseid Fraunces with other of their adherauntes into the forseid high Courte of York, procuryng theym to bere false wittnes ayens your seid subgett. And whan the forseid Guy and Fraunces didd perceyve that Godd wold nott suffer your true innocent subgett by their untrue witnes to be convicte, but by good proces and true jugement to be clered and quitte, as pleynty doth appere by dyffinative centens in the seid Courte, by their procurment one Thomas Nelson, one of theyr adherauntes, not feryng perjury nor dreddyng God, dyd come into the Kynges Benche, and toke suerty of pece of your oratour, and caused hym to be arrested in the cety of York, and fynd suerty to the sheryffs of York to be bounden in one hundred markes for his aperaunce, and for the pece to be kept. And within 8 dayes after that the same Gregory Man, associate with one William Deconson servaunt to the forseid Peter, intendyng to venge the quarell of the forseid Guy, Petur and Fraunces, and by their procurment, prepayred them selffes to lye in awayte upon your seid subgett in the high weye att a place called Monkton Frere in the county of York afforseid, they knowyng perfyghtly that your seid besecher hadde no wapen about hym and was bounde to your peace, soverayn lorde, and so stondyng your prisoner, the seid Gregory, as a man not dreddyng God nor ponysshement of your lawes, on Corpus Christi evyn last passed, with force and armes riotusly, that is to say with a sword and a bukler, ran uppon your seid besecher, and gave him many sore strokes and bloody wowndes, and hath mutulate your seid besecher [and] mayhemed hym on hys lyfte arme so that your seid subgett hath by reson of the same lost the use of his said arme. In consideracion wherof hit may please your Highnes of your most charitabull goodnes to graunt to your seid subgett your gracious lettres of prive seale ayens the same Guy, Peter, Fraunces and Gregory commaundy theym by the same to appere affore your Highnes and the lordes of your most honorabull councell in the Ster chaumber at Westminster at a certen daye and under a certen payne by yo^r highnes to be lymited to aunswer the premisses for the love of God and in the way of Charite, and your seid subgett shall dayly pray for the contynuaunce of your most

[Endorsed] (*Latin*): A privy seal is decreed, made as asked upon the other side, to appear before the King's council at Westminster in the Quinzaine of Hilary next, security being given to pay his expenses etc. (*Ibid.*, Bundle xxx, no. 148.)

Jo. Vesey, Doc[tor].¹

36

SCAWCEBY *v.* RAFFLES AND OTHERS.

To the Kyng our sovereign lorde.

1531

In most humble wyse sheweth unto your Heighnes your dayli oratour and feythfull subjecte Thomas Scawceby that Where your said oratour was seased in his demeane as of fee of oone mesuage called the Bull, with a close of londe conteyning fyve acres or theraboutis, yn Beverley yn the countie of Yorke, by course of enheritaunce to hym descended after the dethe of oon Elizabeth Scawceby, late mother to your seid subjecte, whois heire he ys, tyll now of late, on the 12th day of Marche the 22nd yere of your most noble reigne or theraboutys, that oon John Raffes² of the saide towne, yoman, John Crosseley, Cristofer Saunderson, Cristofer Hudson, Edward Ferrey [and] Robert Stowte of the said towne yn riotys maner arrayd, that ys to saye with swordis and buklers, billes, bowes and arrowes and other wepuns, unlawfully with force and contrary to your lawes came to the said howse, and commaunded your saide subjecte to avoyd the saide howse uppon the parrell that myght ynsue, and hyme assaulted and yll intreted yn suche wise that he not only stond yn daunger and fere of lyfe, but also, yn exchuyng, of daunger that myght folowe, departid frome the said mesuage; wheruppon the saide malifactors yncontynently entred ynto the same and yn forsbly wyse contynued the possession therof tyll the 28th day then next ensuing, at whiche tyme they departed, so that remayned there only one Thomas Aleynson which then occupide the saide howse as tenaunt from yere to yere by a lease made by the saide John Raffellys, whiche then pretended a former title yn the same. At whiche tyme your saide oratour by the assent of the saide Thomas Aleynson, forasmuche as the saide Thomas Aleynson then knewe that

¹ John Veisy, Dr. John Veisie, *alias* Harman, Dean of the King's Chapel, Bishop of Exeter, 1519–1551. See *Trans. R. Hist. Soc.*, 1894, p. 98.

² The name of John Raffles, otherwise Raffellis, Rayfyls, Raffulles, as it is variously spelled, occurs in two petitions of the Archbishop of York *re* the Government of the Town of Beverley, printed in vol. ii of *Star Chamber Proceedings*, pp. 103, 106, 107, 108 and 110. In the former of these two petitions, dated 1535, p. 106, he is described as "alderman of the bakers of the said town," Beverley. Something more about this dispute may be found in the *Report of the MSS. of the Corporation of Beverley of the Historical MSS. Commission for 1900*, p. 53.

your saide subgete had good tytle yn the same, on the said 28th day yn peasably wyse entred ynto the premissis, and the possession therof contynued peasibly tyll the sayde John Raffellys, William Langrike, John Paynter and diverse other, by the commaundement and at the requeste of the said John Raffellis, yn ryotes maner arraide, that is to saye, with swordis and buklers, billes, bowes and arrowes and other wepyns ynvasyve, ayen your pese, soveraigne lord, the said 28 day ynto the premissis riotysly brake and entered, and the possession therof riotysly and yn forcible maner contynue, and yn suche wyse use theym selves that your said oratour dare not entre into the said mesuage for fere and jeperdy of lyfe, in the parlous example of lyke offenders yn tyme commyng, yf due correccion be not had with spede in the premissis. Hyt may please your Grace, the premissis considered, to graunte severall writtis of *sub pena* to be directed to the said John Raffellis, John Crosseley, Cristofer Saunderson, Cristofer Hudson, Edward Ferrey and Robert Stowte, commaundyng them and every of theym personally to apere [etc.].

Writ (*in Latin*, dated 10 July, 23 Henry VIII [1531]) directed to the Abbot of Melsa, Sir Ralph Ellerker the elder, and Sir William Constable, knights, appointing them to hear and examine by the best means they can the matter alleged in the annexed complaint, and if possible to determine the same. Otherwise to return the information they may have gathered to the King and his council at Westminster in the Quinzaine of St. Michael next coming, together with the bill and this writ.

The sayenges of the witneses of Thomas Scawceby, playntyf, agaynste John Raffelles with other defendauntz.

Gilberte Heryson of Beverley, burges, of thage of 32 yeres or thereabout, examoned and sworne the fourth day of this presente moneth of Octobre sayth that Thomas Scawceby cam tyll a tenemente withoute and nere the north bare of Beverley aboute the Fest of Ester last paste, there as Thomas Alanson nowe doith dwell, whiche he toike to ferme of one John Raffelles. And then and there the said Thomas Scawceby required a goddes penney of the said Thomas Alanson, who answered hym and said he knowe note wheder he ware ryght heyr or note; and, yf yt war soo provide that he be right heyre, he wolde be glade to be^rcome hys tenand. Afterwarde cam in the churchewardeyns of saynte Mary church in Beverley, that is to say, John Croseley, Cristofer Hudeson, Cristofer Saunderson and Edward Farer, and the said Scawceby required them to bere

witnes that he had taiken possession in the saide house; and they answered hym agayn, and sayd they knowe note that he had taiken possession in yt. And soo the said Scawceby departed and wente hys way, and as for aney cause of unlefull demeanour I dyd see noyn.

John Thyrske of Beverley, burges, of thage of 40 yeres or thereabout, saith Thomas Scawceby cam unto the house of Thomas Alanson of a Wednesday in Lente laste paste to taik possession; and when he cam ther the goode man of the house was in hys warke house, and the wif and hyr servauntes war in the house, who the said Scawceby pute forth and dyd taik possession. And after the possession taiken, the said Scawceby entred the said house agayn, and offred the said Alanson to be tenand. And he answered hym, and said Naye. And immediately after the said Scawceby departed. And anoyne after that one Cristofer Sowresby dyd felowe after the said Scawceby unto West Woode, and required him to be goode maister to Alanson, that he might contynewe with the said house for one yere as tenand, and there delyvered him a goddes penney in the name of the said Alanson. And that doon the said Scawceby dyd send John Thyrske unto Alanson, to know the trewith, yf he war contented and of knowlege of the comynge of Sowresby unto hym, who answered agayn and sayd he was well contented wythall.

And after that, of a Satterday, Palme Sondag evyn, Scauceby cam to the said house, and then John Raffelles entred it, sayeng unto him Vacabounde, thou haith noght to doo here. He answered hym agayn and said I suppose I have. And then Raffles dyd take a staff in hys hand to have smytten the said Scauceby, and yf that this deponente had note goon betwix them. The said Raffelles seyng that called of one William Langryge, and dyd byd hym smyte down the saide Scauceby. And then Scauceby avoided the house, and dyd byd them com forth into the strete.

Henry Fayrcoke of Beverley, burges, of thage of 73 yeres, sworne the 7th day of Octobre, saith John Raffelles cam to the said house and required ferme; the said Thomas answered agayn and said he had noo money to pay. Than Raffelles said he wold taik a stres. And then Alanson dyd lay doune before the said Raffelles 12 sylver spones upon a table, and said he wold note gyve hym them for noo stres, and bad hym taik them and yf he pleased. And wether the said Raffelles had them or note, I can note tell.

The witnesses of John Raffelles.

Henry Scote of Beverley, burges, of the age of 55 yeres or therabout, sworne the 4th day of Octobre, saith that Thomas Scauceby cam unto the said house about myde lente, and send for Herry Scote to com unto hym. Who answered he wold note, forsomuche he knowe noo cause wherfore. And afterward the said Herry dyd goo in the company of the church wardeynes of saynt Mary church. And as for any cause of misdemeanour the said Herry dyd see noyn.

William Dente of Beverley, burgess, of thage of 40 yeres or thereabout, sworne the 7th day of Octobre, saith that Thomas Scawceby cam unto the house of Thomas Alanson in Lente last paste, and as shortelie after as myght be John Raffelles send for John Crosley, Cristofer Saunderson, Cristofer Hoodson and Edward Farer, who was at ther besynes in the countynge house of saynt Mary church, and desired them to com unto the bull for Scawceby was com to taik possession. And whan they cam ther, they wold note goo in to the house. Then Thomas Alanson cam, and dyd desire them to com in, in the name of John Raffelles. Then cam Scawceby servand, and dyd require them to com in to the house of hys maister nayme. And whan they had entred Scawceby commaunded them in the Kynges naym to bere witnes that he had ther taiken possession in hys own. And therunto answered John Raffelles and said The lawe had undetermynd whether yt war hys or note. After that Cristofer Saunderson sayd unto Scawceby He had taiken possession ther as he had noo ryght soo too doo. Scawceby said unto hym Thow arte a noghty fellowe. And Saunderson answerd hym agayn I am as goode as thow. Then spake Scawceby and reproved the aforenamed John Crosley, Cristofer Hudson, Cristofer Saunderson, Edward Farer and William Dente, and sayd they cam lyke a meney of bocher dogges. And they answerd they cam partely at hys desire.

Cristofer Sowresby of Beverley, burges, of thage of 40 yeres, saith that John Crosley answerd they war as lyke men as Alanson, and had doon the kynge grace as goode service as ever he hade doon. And afterward Alanson desired hym to goo to Sir William Percy to desyre Scawceby that he might be quietly in the house unto suche tyme as yt war determynd whether it war hys or Raffelles. And as he was goynge he mete with Scauceby in West Woode, and intreated hym to be goode master unto Alanson, and then and ther delyvered the said Scawceby a goodes penney off hys own hed, contrary to the knowlege of Alanson.

Alexander Parkynson of Beverley, burges, of thage of 56 yeres, saith he cam to Alanson's house the day that Scauceby, Raffelles and the church wardeyns war ther, and that Crosley desired Scauceby to shewe some title of ryght, and Scauceby said that they cam lyke a company of bocher dogges. And as for any cause of mysdemenour, he dyd se noyn.

[Signed on the back:] Abbas de Melsa. R.E. Wyl'm Cōstable.

[Endorsed:] The certificate of my lorde the Abbate of Meux [etc.].

[On a paper slip attached:] After the maikeng upe of the booke Mr. Scawceby at the request of frendes to taiketh forth Cristofer Hudson and Edwarde Farer; and for the more assourance herof the commissioners haith subscribed ther names.

Abbas de Melsa.

R. E.

Wyl'm Cōstable.

(*Ibid.*, Henry VIII, Bundle xxx, no. 153.)

To the Kynge owre soveraigne Lorde.

1531

(i) Lamentably complaining shewyth unto your moost excellent highnes your humbly true and faythfull subjecte John Johnson, cetezin and marchaunte of Yorke, that where about the xij day of February in the xxijth yere of your most noble reigne your sayd subjecte was possessyd of thre score and fyften poundes in golde sterling, conteyned in a porse, as of hys owne proper goodes and catalles, one Robert Gyll, late of Strensall in your said counte, yeman, the said pours with the said lxxvli. felonyously at Bawtry in the Westrething in your said countie, toke, stole and carreyd away, as by an indytement of felonye therof founde, it doth ryght playne appere,—so it is, most dread soveraigne lorde, one Willyam Gascoyne the yonger, knyght,¹ wythin vj or vij dayes after, having Knolege of the said felonye as well by the frech sute of your subjecte as by the fame of the countrei, and by reason of other suspexcions of

¹ "William Gascoyne the younger, knight," was the son of Sir William Gascoyne, of Gawthorp. The latter's will, in which he is described as "senior," is dated 1545, and was proved in 1551. Sir William "the younger" was one of the panel of the jury in 1537 that tried Sir Robert Constable and others alleged to have been participators in the "Pilgrimage of Grace." A Bill was laid against Sir William "the younger" in the Star Chamber by his father's fourth wife, which is printed in vol. iii of our Society's *Star Chamber Proceedings*, p. 93.

fellonye and murdor to be by the said fellow commytted at a towne called Fery brigges¹ within your said countey, attached the said Gyll by tow of his sarvauntes upon suspecions of felony, and carreyd him to his howse, the said fellow havinge upon him the sum of lxli. or nere theraboughtes, parcell of the said lxxvli. And, having the said fellow in his howse upon his examinacion, albeit he aswell confessyd the said money upon him to be feloniously taken as is aforesaid, as divers other feloniez and murders to be by him and his procurement commytted ayent your laws, the said Sir William, contrarie to justice, toke from the said fellow all the said money, saving only xls., and conveyed hym by his servauntes prevely ought of the libertie of Ferry Brigges, wythout bayll, suertie or maynprise, and soo lett the same Gyll wyllfully goo at large and escape. And, moost dread soveraigne Lorde, after your said subjectes, through great deligence and fresshe sute founde the said fellow, and causyd hym to be attachyd of the said felony, which fellow hath confessyd before honorable and worshipfull persones, without eny payn or compulsion, not only the said felony, but also the tayking from hym the said money by the said Sir William, and the conveying of hym ought of the said libertie, by reason wherof the said Gyll upon great evidence was of the said felony indicted within your Countie; sithen which tyme your said subjecte hath dyvers tymes required of the said Sir William delyvere of the said money, putting in sufficient suerties to your Justices there for the pursueng of the said felony, the which to deliver he hath not only utterly refused, but also procuryth and berith the said fellow in the trial of the said felony. And further the said Sir William dayly manassith and threiteneth your said subjecte, protesting to kyll and sle hym, so that your subjecte darith not goo in the countre abought his besenes for the relef of his lying. And so it is for lake of occopieng of his said money, being a merchauntman, utterly undon in his credence, oonlez your most noble and ahaboundunt grace be showid to hym in this behalf. In consideracion wherof [etc.].

(ii) Sir William Gascoign's answer is merely a formal denial of guilt as to anything supposed by him to be done contrary to right, truth, the king's peace and his laws.

(iii) Writ (*Latin*) tested at Westminster, 18 Oct., 24 Henry VIII, directed to Cuthbert, Bishop of Durham,² and the King's

¹ Ferrybridge, two miles from Pontefract.

² Cuthbert Tonstall, the last Catholic bishop of Durham. Appointed by papal bull, 7th year of Clement VII. He retained his see during the time of

other commissioners in the Northern Parts assigned to hear and determine all matters, causes and complaints there moved and to be moved *coram rege*, authorizing them to hear and examine the matter contained in the bill annexed, to summon the parties, and determine it if they can. Otherwise to certify the King and the Council at Westminster in the Quinzaine of Hilary next coming, under their seals or the seal of one of them, of all they may have done therein, enjoining the parties, under a pain of £100 each, to appear in person at the same time before the King and his Council at Westminster.

(iv) Certificate (*Latin*) signed Cuthbertus Dunelmens', dated 13 January, 24 Henry VIII, stating that he and the other commissioners summoned the defendant to appear before them at York on 5 December last. On which day he appeared, and exhibited an answer to the complaint, to the truth of which he swore upon the Gospels, in customary form, which answer is hereunto attached. They have enjoined the parties to appear, as in the writ directed. (*Ibid.*, Henry VIII, Bundle xxx, no. 127.)

38 PRIOR OF HELAUGH PARK *v.* LASCELLES, FULBORNE,
AND OTHERS.

To the Kyng oure souereyn Lorde.

(c. 1536) In most humble wyse complayneth unto your Highnes your daylie orator Richard, Pryor of the monastery of oure blessed Ladye and Seynt John the Evanglyst of Helaugh Parke,¹ that, where onne Crystofer, late Pryor, was seased yn the right of his seid monastarye of one mease, thre toftes, lx acres lond, cxx acres medowes, x acres pasture and x acres wode yn Lytell Rybston² and Plompton³ yn the countie of Yorke, untill one Thomas Fulborne thelder wrongfullye and wythoute jugement dysseased the seid Cristofer; and so beyng yn by dysseason dyed, after whoys dethe the premysse came to the possessyon of one George Fulborne, ayenst whome your oratour dyd sue oute of your Courte of Chauncerye a wrytte

Henry VIII, but was sent to the Tower by Edward VI, and remained there during that monarch's reign. His deposition was reversed by Mary in 1554. He was deposed for refusing to take the oath of supremacy, on Elizabeth's succession, in 1559, was kept a prisoner in Cranmer's house, and died Nov. 18, 1559.

¹ Richard Roundall, last prior at date of suppression. See Star Chamber case printed in vol. xv of the *Journal*, p. 85.

² Little Ribston, in the parish of Spofforth, 3½ miles from Knaresborough.

³ Plumpton, in Spofforth parish.

of entrye *en le pare et Cui*, retornable before your Justyces of your Commen Place, supposyng by the seid wrytte that the seid George had no entrye yn the premysses but by onne Thomas Fulborne the yonger, to whome the seid Thomas Fulborne thelder made a demyse, under which your orator obteyned jugement, and suyd a wryte of *habere fac' seisinam* dyrected to the shryffe of your seid countye of York, by force wherof your orator whas put yn possessyon of the premysses the xjth day of Maye 27 Henry VIII [1535] by vertue of the seid chereffes warrant unto Thomas Myddelton¹ dated at the Castell of York on the same daye. So hit is, most gracyous Lorde, that Roger Lasselles esquyer² and Antonye Askham³ by the colyr of a feoffement made of the premysses by the seid George Fulborne, hangyng the seid accyon yn the *pare and Cui*, unto the seid Roger Lasselles, Antonye [Askham] and other, to thentent unlauffullye to meynnten the seid George yn the seid accyon, haue not all onlye unlawfullye by many and dyvers unlauffull menys meyntheyned the seid George, hangyng the seid accyon, but also the seid Roger Lasselles, Antonye, Crystofer Atkynson, John Mylner and Wyllyam Walker, yoman, Robert Holme of South Dyghton, yoman, Robertt Barros of the same towne, yoman, Wyllyam Atkynson, yoman, Willyam Typlyng, husbandman, and manye other yll dysposed persons to your seid orator unknowen, to the number of xx persons, not dredyng God, your Highnes, nor regardyng your lawes of your realme, by the meanes, procurement, excytyng and commaundement of the seid Roger Lasselles, they hauyng perfytt knowlege that your seid orator was put yn possessyon of the premysses, the xvijth daye of Maye last paste and at dyvers other and sundrye tymes syth that tyme yn ryotous and forceable maner haue entred yn to a layth or barne, parcell of the premysses, with force and armes, that is to sey wyth swerdes, daggers, bucklers, bowes, arrowes, speres, sallettes, jackes and other armer defensable, and contynuallye kepyth the same from your seid orator, contrary to your lawes, equitye and justyce, to the moste perylous example of leke offenders, yf due reformacyon theryn be nott shortlye had and provyded, to the grete hyndraunce of dewe executyon of justice. And more over, gracyous

¹ Thomas Middleton, eldest son of Sir William, of Stockeld. See *Yorkshire Star Chamber Proceedings*, i, 165, note.

² Roger Lascelles, of Brakanburghe, Knt., died 1551. See *Yorkshire Star Chamber Proceedings*, i, 96, note.

³ Antony Askham, gentleman, was of South Deighton. In the *Y.A.S. Journal* are printed particulars of a suit he brought against the prior of Helaugh in 1535, concerning this same property. See vol. xv, 85.

Lorde, after that the foreseid riotous persons were remoued by the vertue of your wrytt upon the statut of Norhampton, and your seid orator peaseable possessyon of the premysses obteyned, the seid Antonye Askham, Robert Holme, Robert Barros, Wylllyam Atkynson, Wylllyam Typlyng and many other, clothyd yn womens apparell, to your orator not knowen, to the nomber of xij persons, by the excytyng and commaundement of the foreseid Roger Lasselles, the xiiijth daye of June laste past with force and armes yn ryotous and forceable maner entred ynto an Oxehouse, parcell of the premysses, and continuallye keptt and deteyned the same from your orator by the space of iiij dayez, then and there cuttyng doune certen yattes, steppes, and also dystroyeng the heggys upon the premysses for the closer of the same, to the hurt and damage of your orator *vjli.* contrary to your lawes, equitye and justyce yn that behalff provyded. In concyderatyon wherof [etc.].

In his answer Roger Lasselles, esquire, denies guilt of the riots and other misdemeanours surmised against him. He says that Thomas Fulborne the elder and his ancestors, ever since the beginning of the reign of King Edward III, have been continually seised in possession and in use of the premises in fee of estate, of inheritance, and of the barn and ox house in the bill mentioned. After the death of the said Thomas the premises came to the said George as his son and heir, and he took the profits by the space of 20 years; and, before any action brought against him by the now complainant, by his deed (bearing date 19 June, 25 Henry VIII) he enfeoffed Christopher Lasselles, esquire,¹ and others of the premises. After this, the Prior, of his covetous mind and without any good title, sued forth a writ, as he states in his bill, which George then had nothing in the lands, because, before the *teste*² of the writ, he had therewith enfeoffed the said Christopher Lasselles and others. The Prior, perceiving this, by the crafty and sinister means of William Skrymshay, one of his counsel, caused a new blank writ of entry in the *per* and *cui*³ to be made, like unto the other writ before rehearsed, and caused the date of the same new blank writ to be made before the said feoffment, to thentent to avoid the same, and cased the first writ, which did bear date after the said feoffment to be embezzled,

¹ Christopher Lascelles, son and heir of Sir Roger Lascelles.

² *Teste* is a word commonly used in the last part of every writ, wherein the date is contained, which begins with these words, *Teste me ipso*, etc. See Blount's *Law Dictionary*, *sub voce*.

³ *Per* and *Cui*—terms used in a *Writ of Entry*. See Blount.

and the later writ, with an ante date before the said feoffment, which was never sealed, but a blank writ to be unlawfully filed of record in the office of the *Custos Brevium*.¹ Whereupon the said George appeared, and pleaded that the said Prior, hanging the said writ, on the 20th of August, 25 Henry VIII [1533], entered into the premises contained in the said writ, and thereupon were [*sic*] a perfect issue in the same, and a writ of *Nisi Prius* awarded before the Justices of Assize within the county of York; at which assize there appeared the jury for the trial of the premises; and, notwithstanding sufficient matter in writing, and also divers and many witnesses proving the said issue for the part of the said George, the said jury untruly gave a false verdict therein for the Prior, against which jury the same George Fulborne for their untrue verdict hath brought a writ of attaint, which is now depending and returnable before the King's Justices of his Bench in the Utas of St. Michael now last past, without that the said Christopher, late Prior of Helaugh, was lawfully seised [etc.].

Anthonye Askham, gentilman, says that Thomas Fulborne was seised in his demesne as of fee of 2 tofts, one lathe or barn, 4 acres of land, 4 acres of meadow, 14 acres of pasture and common of pasture for 30 beasts going in the common of Little Rybston, and common in the Forest of Knaresborough for all manner of beasts without number, and took the profits thereof without interruption or claim by any person or persons till his death, when they descended to George Fulborne in the bill named, as his son and heir, who accordingly entered, about 30 years last past. He has been in peaceable enjoyment, till now of late disturbed by the said prior. He made an estate thereof to this defendant as tenant from year to year at the will of the said George. Askham entered into possession, and held them by virtue of the lease, until of late the said prior hath forcibly and riotously entered, and yet keepeth, the premises against the said Anthony, without that that the said Anthony is guilty [etc.].

The Prior, in his replication to Lasselles, says that, by advice of the said William Skrymshay, and of other sad and discreet men learned in the laws of this realm, being of his counsel, he commenced and prosecuted with effect the said writ of entry justly and truly, according to the direct course of the laws of this realm. The matter alleged by Lasselles against Skrymshaye

¹ *Custos Brevium*, "an Officer belonging to the Court of Common Pleas, whose office it is to receive and keep all the Writs returnable in that court." In the Court of King's Bench there is likewise a *Custos Brevium*. See Blount, *sub voce*.

is matter of untruth, slanderously and maliciously imagined to the intent to defame him, a man of good learning and honest conversation, because he is one of the prior's counsellors, thereby to hide and cover the unlawful bearing and maintenance of the said Lasselles committed against the prior in his said true and lawful suit. For, upon the return of the said writ, the said George Fulborne by his counsel took exception to the said writ for the feigned causes afore rehearsed before the King's Justices of the Common Pleas, before whom the said writ was returned, and before whom the matter was thoroughly examined, and the said writ allowed, and Fulborne compelled to answer to the same; in which suit of the title, if the Prior had been so weak or slender as the said Roger by his answer hath alleged the tenant named in the said writ of entry might have helped himself by much better matter of plea for his defence than to have joined the untrue issue which was tried against him, without that that any matter alleged by the said Roger is true or verifiable [etc.].

The Prior's replication to Askham's answer reaffirms that he is guilty [etc.].

Interrogatories and depositions (10 sheets of paper).

Thomas Joyly, gentilman, of the city of York, aged 28 years, says that, being clerk to Mr. Lambert the elder about two years past, he made a writ of entry in *le per* and *cui* against George Fulborne at the suit of Richard, Prior of Helaugh, of certain lands and tenements in Lytell Rybston and Plompton, and hath a 'tyteling' thereof yet, as he remembreth, but what is the *teste* thereof he cannot tell.

The said writ was sealed.

Before the return of the same writ, this deponent did new make it, because (as he saith) the Prior of Helaughe was named in the same Prior of Helaughe, and not Prior of Helaughe Parke, which was newly made for the putting in of the same only word *Parke*, and for none other cause.

He did not change the *teste* or anything else in the same new writ, other than it was in the first writ, saving the putting in of the same word *Parke*.

He doth not remember that the same new writ was sealed, and saith that he delivered the same to Francis Forbyssher.

Francis Forbessher, gentilman, of Doncaster,¹ aged 34 or 36, examined on behalf of Lasselles.

¹ Francis Forbeshier, *i.e.* Frobisher, of Doncaster, had a daughter, Frances, who married Sir Thomas Boynton. See *Yorkshire Deeds*, iii, 53, note.

He hath had knowledge of the writ sued by the Prior of Helaughe against George Fulborne, about 2 years ago and more, and hath read it, and saw it under seal before the breaking up of it, for this deponent was then of the said prior's counsel, and had the writ in his own custody, and did sue it out himself. He doth not remember the *teste* or date of it.

He doth not know whether it was returned into the Court of Common Pleas and filed amongst the other writs.

One William Skrymshare, being of the said Prior's counsel, had the said writ in his custody, and because it was interlined he caused a new writ to be made, according to the old, as far as this deponent knoweth, and [it] was filed; but whether it bore the *teste* and date of the same old writ he cannot tell.

He believes that the sheriff's officers returned the second writ.

Being demanded whether he gave any copy of a writ of the *per* and *cui* unto James Fox and Henry Wetherell, they being at Duresme, he deposeth that he gave them a copy thereof.

(signed) Frances Frobisher.

James Fox of Clyffordes Inne, gentilman,¹ examined the 11th day of February, 27 [Henry VIII], deposeth that he was privy to the said writ, and was a counsel in the same suit with the same George Fulborne. The first time he saw the writ was at the Assizes holden at Durham in the summer season 25 [Henry VIII]; he saw it under seal, and before it was broken up. One Francis Furbyssher had the custody of the same writ, and shewed it to this deponent there. Frobyssher was then a counsel with the said prior. One Henry Wetherall made a copy of it, and he and one William Tankard and this deponent examined the copy and the writ together, and (to his remembrance) the writ bare *teste* and date about the 11th of July, 25 [Henry VIII].

It was never returned nor filed amongst the other writs into the Common Pleas; but another such writ bearing date 18 June, 25 [Henry VIII], was so returned in the name of the Prior against George Fulborne, which writ (he thinketh) was never sealed, for it was endorsed with these words [*in Latin*]: By Thomas Newman, because he made a fine in another writ. And he supposeth that William Scrymshaw, being a counsel

¹ James Fox was apparently the James Fox to whom, in 1531, the abbot of Byland let the manor of "Graund Thorp," *i.e.* Thorpe-le-Willows, near Ampleforth, and whose will is printed on p. xv, vol. i, of *Yorkshire Star Chamber Proceedings*. The testator's son, Thomas, married Frances, daughter of Robert Meynell, of Hawnby, serjeant-at-law.

with the same prior, procured and caused the same writ to be filed; because (he supposeth) the prior had heard say that, before the *teste* of his first writ, George Fulborne had sold the lands in variance to Christopher Lassellas; and the prior's learned counsel, hearing thereof, caused the said second writ to be made and returned, to the intent to avoid the feoffment made to the said Christopher and others. Furbyssher returned the writ, to his knowledge, by the means and procurement of William Scrymshawe. For further proof of the first writ, this deponent and Henry Wetherell shewed the copy thereof to Robert Menyll and William Tankard, being counsel with the said George Fulborne; and they gave counsel at that time to plead unto the said writ *non tenure*, because the *teste* thereof was after the date of the feoffment made to the said Christopher and others. (signed) *per me* Jacobum Fox.

Henry Wetherell of Alerton, co. York, gentleman, makes a similar statement. (signed) *per me* Henricum Wethereld.

Robert Menyll of Lincolns Ynn,¹ who was a counsel with Fulborne in the suing of the writ of the *per* and *cui*, did not himself handle the writs. Fox and Wetherell showed him what they said was a true copy of the writ, the date whereof he doth not remember; but this he well remembers, that, when he saw the said copy, and the evidence of Fulborne, and the conveyances that Fulborne had made, he drew informations for certain pleas to be made to the said action for the instruction of the serjeants that should draw the same pleas, he remembreth that one was *non-tenure*, because he saw that the date of the said writ was since the feoffment made to Christopher Lasselles. And when Fox and Wetherell came home from the term after, they told this deponent that his device for the plea touching *non-tenure* would not serve, because there was another writ put on the file which bare *teste* long afore the writ that they had the copy of. (signed) *per me* Robt Meynell.

William Tankard of Lyncolns Inne, gentylman, was of counsel with George Fulborne in a writ of error for reversing a judgment given in a writ of entry of the *per* and *cui*, which was reversed. He remembereth he gave counsel to Whetherell and Fox, counsel with the same Fulborne, that, immediately upon judgment given, there should be a feoffment made by Fulborne of the lands in variance, because he heard it reported by divers persons that the Prior of Helaugh had no good just

¹ Robert Meynell, of Hawnby, of Lincoln's Inn, serjeant-at-law. See previous note, and also *Star Chamber Proceedings*, ii, 81.

title to the lands in variance; and this would enable him to plead *non-tenure* to any later writ. It was he who caused Wetherell to take the copy of the first writ at the Durham Assizes, and they made and examined the copy; the date he doth not remember; but remembereth it was said to be the last day of Trinity term, 25 [Henry VIII]. In Michaelmas term following, deponent then being in London, Fox and Wetherell shewed him that the plea of *non-tenure* would not serve, because there was a new writ put on the file, bearing date after the feoffment. The writ was commonly said to have been filed by one William Skrymshawe.

(signed) Will'm Tanckard.

(*Ibid.*, Bundle xxxii, no. 44.)

To the Kynge our soueran Lord.

¹Moste humbly besechinge your good Grace your dayly orator and bedman Richard Suthayke, chapplayn, wher itt was soo that the Erlle of Northumbarland sentt his chapplayn, Master Richard Suthayke, to Crauyn for the eleccyon of the Abbot of Salley, and in his comynge home one Robert Proctor, son unto Jeffra Proctor,² and two other of Jeffra Proctor's seruandys, one callid John Thomson and another whos name is noot as zytt knowyn, com vyolently efter the said Master Richard Suthayke, and wythin on myll of Skepton in Cravyn ouer tooke hyme, and their the said Robert ran at hyme with a spere, and so had slayn hyme, bot [th]at he brake the spere with twynnyng of his harme. And than efter by the helpe of one of the said herlle seruandys, on callyd Robert Sedall, and his hawn seruand putt his henmeys from their porpoose, and so com hom to the said herll his Master, and compleynyth hyme, and as zytt hath no remedy. Also itt is supposyd that Jeffra Proctor, father to the sayd Robert Proctor, was consenttyng to the sayd Ryott in somych as he sentt a letter to his son, and commawnyd hym the same tyme to be att Salley. Forthermore itt was shewyd to the said herlle by the mennys of one

¹ Bill on paper.

² Geoffrey Proctor. In a case printed in *Yorkshire Star Chamber Proceedings*, ii, 152, a Geoffrey Proctor, probably this man, is mentioned as "auditor" to Henry, Earl of Northumberland.

Robert Gylson that the sayd Richard Suthayke chappleyne to the sayd herlle, hath noot don hyme trewe seruyce; and syth that tyme the sayd herlle hath noot ben so good lord to hys chapplen as he was befoore. Wherefor the sayd Richard Suthayke dyssyryth that he may haue som remedy in thees cawsys at he maybe here aftere in surette and peasse accorddyng to the Kynges lawes, as the said supplyand shall dayly pray for your mooste noble Grace.

The answer of Geffrey Proctor.

He says the bill against him is not sufficient to put him to answer unto, for it is not laid that he did any offence in his own person, nor did command or procure the said Robert Proctor his son, or John Thomson, or any other, to assault or affray or ill intreat Richard Suthayk, as in the said bill is alleged. Wherefore he prayeth to be dismissed out of this court with his reasonable costs and damages for his wrongful vexation in this behalf.

[Endorsed:] 18 November.

Geffray Proctor, sworn, saith that he was not privye nor knouledging neither assenting to any of the doings specified in the byll of complaint, and that he saith upon his othe. (*Ibid.*, Bundle xxxii, no. 34.)

To the most reverend Father in God Thomas, Lord Cardinal, Legate a lettere of the see apostolik, Archbishop of Yorke, Prymate and Chaunceler of Englonde.

(1525) Humble sheweth and compleneth unto your good and gracious lordship your pouer orator Robert Jakson that, where he was indetted to oon William Grymston¹ of Garton in Holdernes in the countie of Yorke in the somme of xljs., and now at Martynmes in anno xiiij^{mo} Regis nunc the said Grymston come to thouse and fermold of your orator at Ryall² in Holdernes, and then and there toke all your said orator's goodes and catelles to the value of xxxvj*li.*, as apperith in a scedill herunto annexed³ and theym drayff away, and sold theym to divers

¹ William Grymston, of Garton, son of Walter Grimston, Esq., of Grimston Garth, in the Middle Division of Holderness. His will was made and proved in 1528. See Clay's *Dugdale*, iii.

² Ryall, or Ryehill, in the parish of Skeckling, South Division of Holderness, 3½ miles from Hedon.

³ Not now attached to the file.

persons, allegyng that your orator had forfette unto hym an obligacion of xlii.; and all the said goodes he toke and had withoute eny maner of accion, suyt or condempnacion accordyng to the course of the commen lawe, or yit of eny good custome. For the which goodes your orator haith maid much suyt to have theym restored agayn. Bot the said William Grymston is of such abylyte and substance, and also getteth such maistership, that your orator can gyt no remedye agaynst hym, because your orator is in such pouertie and of litle substance to sue the commen lawe. And the seid mater haith ben afore this examyned before Sir John Nevill, knyght, Receyvour of Holder-nes, which can acerteyn your lordship of this mater, and some parte of the demeanor of the said William Grymston whom I beseche your said lordship to examen, and that it may pleas your said lordship to gyve or send a commaundement to the said William Grymston upon a certeyn payne to delyuer all the said goodes and catells or elles the value of theym to your said orator afore a certeyn day, and this to be doyn by the way of charite and at the Reuerence of almyghty God, and I shalbe your beydman whilles I lif.

[Endorsed (*in Latin*):] Let this cause be committed to the Abbot of Meaux,¹ Sir John Constable, knight,² Sir Ralph Ellerker the elder, knight,³ and Christopher Hilliard, esquire,⁴ or three of them, to examine and finally determine, after summoning the parties; otherwise to certify the King's Council in the Quinzaine of Hilary next, and the parties to appear, etc., in the presence of the Lord Chancellor. Burbanke.

The answer of William Grymston: The bill of compleynt is sclanderusly ymagened to put him to costes, vexacion and trouble, like as he haith doyn afore this tyme by his lyke senestre suytes afore Maister Doctor Stokesley⁵ by petition in

¹ The abbot of Meux, *i.e.* Meaux, at this date was Richard Stopes, who surrendered the abbey on 11 Dec., 1539. He received a pension of £40.

² Sir John Constable, of Burton Constable, was high sheriff of Yorkshire in 1524, and at later dates. His will was made and proved in 1542.

³ Sir Ralph Ellerker the elder, died in Jan., 1539-40. See note by the late Mr. William Brown in *Star Chamber Proceedings*, i, p. 35.

⁴ Christopher Hildyard, son of Peter Hildyard, Esq., of Winestead, at a date later to this case knighted. He married, firstly, Margaret, daughter of Sir Humphrey Coningsby, and secondly, Joan, daughter of Sir Ralph Constable, of Halsham. See Clay's *Dugdale*. He was not slain at the siege of Terouenne, in 1513, as, with a ?, stated by Mr. Clay, but died in or about 1539, when livery of his lands was granted to his son, Martin. See *Letters and Papers, Henry VIII*, for 1539, i, 76.

⁵ Dr. Stokesley, confessor to Henry VIII, appointed bishop of London in 1530, according to Erasmus, "well versed in the Schoolmen." See *Letters and Papers, Henry VIII*, vol. for 1518, Part II, No. 4340.

the xv of seynt Hillarie anno xiiij^o H. viij, when the said Grymston had made answer to the said bill. The said Jakson intendencyng ferther to vex and trouble him, wold no ferther pursue his said compleynt there, but put in a new bill of compleynt ayenst Grymston into the Prince Chāmbre, before the right honorable the lord of Seynt Johns and Maister Baron Elys; where, after the said Grymston had put in his answer, and the mater examyned, the said honorable lord and Maister Baron Elys open shewed there in the said courte to the said Jakson if he were of power he ought to pay for the costes of the said Grymston for his wrong full vexacion in that behalf. And for the declaracion of truthe of the mater comprised in the said bill, the said Grymston also saith that on the xiiij day of December xiiij Henry viij he demised to the said Jakson a mease with certeyn landes and pasture in Holdernes, and the mylke and other profettes of xxiiij kye of the said Grymston to thend of vj yeres then next folowyng, paying therefore yerly viij*li.*, for the suer payment wherof Jakson, with James Raunson and John Horneclif, at his request, were bound to Grymston in an obligacion of xx*li.* And about Martynmes 14 H. viij, without warnyng yeven to Grymston, Jakson left the said fermold, and part of his goodes then toke with hym, and part he left wanderyng and goyng at large about the said fermold. Wherefor Horneclif and Raunson, feryng to suffre losse for their said bond, come to the said Jakson, and desired hym to se theym discharged ayenst the said Grimston. And he answered saying they shuld be so discharged; and was contented that the said Raunson and Horneclif should [have his goods?] by the oversight of certeyn in different persons, that is to say, John Sherp of Ryall, Henry Molyland of Preston, Richard Buller of the saym, and Thomas Sherp of Gombaldthorn, in the presence of John Buller, then balyf of the libertie there, to be praysed and solde to save theym harmeles, the sayd Jakson then beyng present and with the saym content, and he delyvered the goodes with his awn handes to the said prayzers. And after the said goodes were prased, Horneclif and Raunson with money comyng of the said goodes, paid the said Grymston, without that that the said Grymston came to the fermold of the said Jakson [etc.].

The certificate of the examination and deposition taken the last day of January, 16 Henry VIII [1524-5], before the Right Reverend Father in God, Richard Stopes, Abbot of the monastery of our Blessed Lady of Meuxe, Sir John Constable, knight and sheriff of Yorkshire, and Sir Rauf Ellecare of Risby,

knight,¹ by virtue of a commission from our most gracious sovereign lord to us directed, of and upon divers variance, greffes, complayntes, depending before the Lords of the most honourable council of our said most gracious sovereign lord, between Robert Jakson and William Grymston.

On the 4th day of January last the parties did appear before us at the said monastery. We did hear and examine both parties there by great deliberation at length; and likewise many right honest and substantial persons deposed on behalf of the aforesaid William Grymston. And for divers considerations we advertised the said parties, for further and more sure knowledge of the premises, unto Preston in Holdernesse, the 17th of January last past; and then and there both the said parties upon their fidelity promised to abide in order, degree and judgment concerning the premises. Where in like wise, we did hear and examine further of the premises, for the very perfect and true knowledge of the same, where divers and many witnesses deposed and said of the behalf of William Grymston. Yet, in favour of the behalf of the said Jakson, we gave further day unto both the parties unto the last day of January at the aforesaid monastery of Meuxe. At which day they did appear afore us; and we asked of the same if they would abide our award, order and judgment concerning the premises. Whereunto the said William Grymston remitted him to our order and judgment, saying What end so ever we would make, he was verily well content therewith. And the said Jakson in no wise would abide our end, contrary the promise of his fidelity, as is aforesaid; but he desired us that he might be remitted unto the common law. And otherwise he would not be ordered. In witness whereof we have hereunto put our seals and subscribed our names, the day and year abovesaid.

(signed) Ricardus Stobes Abbas de Meux
John Constable.

R. E.

Examinations taken 14 January, 15 Henry VIII, before the abovesaid Abbot, Robert Creyk² and Ezichie Clyffton,³ esquires, by virtue of the King's commission to them directed.

¹ Rauf Ellercare, of Risby. *P.M. Inq.* taken 1539-40. See note 2, p. 35, vol. i, *Star Chamber Proceedings*, of the Record Series. In the *P. M. Inquisition* he is described as of "Bristwike," i.e. Burstwick, in Holderness.

² Robert Creyke, of Beverley and Marton, married Isabel, daughter of Lyon Percehay, of Ryton. Will, 1538. See Clay's *Dugdale*, ii, 448.

³ Ezachie Clifton, of Burton Agnes, Esq. Will made and proved in 1543. See *Wills in the York Register*, 1514-1553. In vol. v, *Yorkshire Deeds*, pp. 90,

James Raunson, aged 64, deposeth as to the lease and bond (as set forth by the defendant). About 10 November, 14 Hen. VIII, Raunson and Horneclif desired Jakson to be discharged of their bond, and it was done (as described by defendant) the prayzers named being four honest husbandmen. They praised 21 kine at £7; 10 calves and 7 "yeryng nate" at 40s.; 20 sheep at 26s. 8d.; a mare, a stagg and a foal at 16s. 8d.; 5 sows and 6 young swine at 13s. 4d.; a certain corn at 15s.; 43 cheeses at 6s. 8d. Jakson delivered the said 21 kine to Horneclif, and the residue were delivered to Raunson. None of the goods came to Grymston's hands. Jakson, upon a bill of complaint before the King and his most honorable Council in his high Court of Requests, obtained a writ *sub pena* against this deponent, surmitting that he was withholding from him the said goods and chattels, as by the said bill, yet remaining in the said Court of Requests, more plainly it doth appear.

Thomas Sharp, aged 40, one of the four praisers, deposes to the praising in manner and form as Raunson has deposed.

William Clerk, gentleman, aged 22, William Baker (40), Peter Sharp (42), John Holme (59), Robert Swan (40), John Robyn (30), and Thomas Ward (30), depose that Grymston never had any of the goods in question.

And whereas the commissioners by their letters missive directed and delivered to the said Robert Jakson the 9th day of January last, commanded him to be before them personally on the 14th day of the same month, yet on that day he neither came nor sent to them, so that on that day they could take no examinations or depositions on his behalf.

(signed) Ric. Stopes, Abbot of Meux.

Robt. Creyk.

Ezeche Clyfton.

41

TOTHE v. WAYNE.

To the Kyng our sovereigne lord.

(c. 1524) In the moste humbill wyse sheweth unto your grace your humbill subget and daily bedman John Tothe of Edeston¹ in

91, are printed Interrogatories administered against Ezechie Clifton, gentleman, on the part of Edmund Senctquyntyn, 1541-2. Joan, daughter and coheirress of Ezechias Clifton, married, as second wife, Ralph Constable. See *Yorkshire Deeds*, vol. iv, p. 76, note.

¹ Edstone, Great and Little, two and three miles respectively from Kirby-moorside, and John Tothe may be the same man who was concerned in Star Chamber Proceedings printed in vols. i and iii. John Tothe was probably the testator "John Tothe, of Great Edstone," whose will was made and proved in 1543. See *Wills in the York Registry*, xi, Record Series.

the countie of Yorke, yoman, that where, abought the xxj day of Aprill in the xvj yere of your mooste nobill reigne, one Thomas Wayne and Robert Wayne, by the commaundement of one Robert Parot¹ beyng accompanied with dyverse other evyll disposed persones to the noubir of viij, to your seid oratour unknowen, at Holthorp Wode in a riotous maner assembled, that is to sey, with swerdes and boke-lers, billis, staves and knyves, contrarie to your peace made assaute upon your Orator, and hym sore bete, and cutte the tonge ought of hys hedde, to his utter undoyng. In tender consideracion wherof, it may pleas your seid grace to graunte unto your seid orator writtes *sub pena* to be directed to the seid Robert Parot, Thomas Wayne and Robert Wayne, commaund-yng them [etc.], to answeere to the premisses, and ferthermore to be orderid as shall be thought mooste convenient by your counseill for the relef and comfort of your seid orator. And this at the reverence of God and in the weye of petie. And your seid orator shall daily pray to God for the prosperous contynuaunce of your moste roiall astate. (*Ibid.*, Henry VIII, Bundle xxxi, no. 154.)

To the Kynge our soveraynge lord.

In moste humbly wyse complayneth unto your highnes your pore subjectes Jane Sysson, wedowe, and Oswold Sysson² her son, that, where as your orators beyng possessed of certayn tenamentes with dyvers certayn parcels other meeses and groundes therunto apperteyneng, in the towneship and lorde-ship of Wedderby³ in your countie of York, for terme of ther lyves of the leax and dymyse of Sir Thomas Docwray,⁴ late Pryor of Saynt Jhons Jherusalem in England, and hys brethren, knyghtes of the same, yeldyng certayn rentes, under a payr of indentures beryng date the xvijth day of May in the xth

¹ Robert Parott, perhaps Robert Perrott, of Edstone, whose will was proved in 1531.

² Oswald Sysson. Was this the Oswald Sisson whose daughter, Katherine, married William Snawsell, son of Seth Snawsell, of York and Bilton? See Clay's *Dugdale*, iii, 355.

³ Wadderby, *i.e.* Waldby or Wauldby, in the parish of Elloughton, five miles from South Cave, 9 miles from Hull.

⁴ Sir Thomas Docwray, "late Prior of St. John of Jerusalem in England," was instituted 1 May, 1502, and, according to Strype, completed the church and house at Clerkenwell in 1504, "as appeareth by an inscription on the Gate-house yet [then] remaining." See *D.N.B.*

yere of your [1518] most noble reynge, sealed under the covent seales, and the sayd Oswold was possessed of certayn dyezmes¹ and tythes in the lordship of Cattall² within the parochyn of Hunsyngore for terme of his lyfe, by a like dymyse of 1st June 4 Henry VIII [1512], one Robert Thomlyn of Hunsyngdore, Richard Hyll the yonger, Peter Hergyll, Thomas Hebdayn and Jhon Pawle, with dyvers other certayn ryotous persons, both men and women, unto your orators not knowne, in most ryotus wyse assembled, with staves, bylles, swerdes and buklers and other defensable wepyns, the vth day of June last past entred into the tythe barne, wherin was certayn corne of your ssayd orators, as whete and rye, and then and there brake the dores of the sayd barne, and put forth the servauntes of your orators, and wolde not suffre theym any longer ther to remayn, but kept the said howse or barne, with the said corne, to ther owne proper use tyll it was replevyed by the vertue or your proces. And, of ther further and ryotous mynde, by reson of procurement, mayntenance, suppoortacion and berynge of Sir Jhon Rawson, knyzt,³ commaunder of Rybston, within whiche commaundry the said premysses doth lye and be boundet, they have syns that tyme comytted dyvers ryottes and offences, aswell in entryng into the saide barne as into dyvers other parcells of the farmes, landes and tenamentes of your sayd orators, to the most evyll

¹ "dyezmes," i.e. dismes, Latin *decimæ*, tithes.

"Ev'ry tithe soul 'mongst many thousand dismes
Hath been as dear as Helen."

Shakespeare, "Troilus and Cressida."

² Cattal, in the parish of Hunsingore, $4\frac{1}{4}$ miles from Wetherby.

³ Sir John Rawson. Descended from the family of Rawson seated at Fryston, near Pontefract. He was son of Richard Rawson, a warden of the Mercers' Company, an alderman, and, subsequently, sheriff of London. Sir John Rawson himself was admitted a freeman of the Mercers' Company in 1492. Before September, 1597, he joined the Order of the Knights of St. John of Jerusalem, whose headquarters were then at Rhodes. He was appointed master of the Order of St. John of Jerusalem in Ireland, and held the priory of Kilmainham. He was chosen under King Henry VIII as one of the Privy Council in Ireland, and in 1522 as Treasurer of the Exchequer there through the procurement of Cardinal Wolsey.

In 1522 Sir John Rawson was, it seems, at Rhodes, helping to defend his Order of Knights against the Turks. Among the *Letters and Papers of Henry VIII*, xiv, is a letter dated in the year 1539, written by Sir John to Lord Cromwell, in which he mentions "a grant made 'by him [Rawson]' of the *receivership of the Commandry of Ribston*" to Henry Goderyk and Rawson's niece, his wife. This commandry of Ribston is not mentioned in the account of Sir John given in the *D.N.B.* He was created Viscount Clontarf.

When the Order of Knights was dissolved he received, in 1540, an annuity of 200 marks for life, and obtained his peerage in Nov., 1540, but, in addition, it seems, he obtained a pension of £10 on his surrender to the Crown of the priory of Kilmainham. He died in 1547. See *D.N.B.*, and a good account in the *Gentleman's Magazine*, 1856, ii.

example of all suche lyke offenders, and to the great enpovereshment and utter undoyng of your sayd orators. Wherefore pleaseth yt your hyghnes, the premysses tenderly consyderyd, to enyoyn the sayd Sir Jhon Rawson and the sayd mysde-meaned persons, officers and servauntes unto the sayd Sir Jhon Rawson, that none of them, nor none other by ther procurement, shall not disturbe your orators in no parte nor parcell of the premysses, unto suche tyme as the sayd leases may be avoyded and dysproved by the lawe; and also to commaunde the saide offenders, by vertue of your most gracious process of *sub pena*, to appear before your highnes and your most honorable concell in your courte of Stare Chamber, at a certayn day, under a great sum by your most noble grace lymyted, and ther to answer to the premysses. And your sayd orators shall dayly pray to Jesu for your most royall estate longe to contynewe. (*Ibid.*, Henry VIII, Bundle xxxi, no. 144.)

43

HERBERT *v.* BUTTELER AND OTHERS.

(*Ante* To the Kinge our soueraign Lorde.

1539) In most lamentable wyse shewyng compleneth unto your most gracyous highnes your trew and faythfull subject and dayly oratour and besecher Rolande Herbert of Skypwithe¹ in your countie of Yorke, yeoman, that wheras your oratour was seased of one mese, xl acres of arrable londe, xxx acres of pasture and xij acres of medowe within the towne and feildes of Weldrike² in the said countie for terme of certen yeres of the lease and demise of one Dame Elsabethe Kylburn, Prioress of Noneburnholme,³ with the assent of the convent of the said howse, parcell of whiche terme doth yitt contynew; so yt ys, most gracyous Prince, wheras he had put in and admytted one John Wylson for to occupie the said ferme for hyme and to his use, one William Butteler, John Butteler, William Farechilde, William Tomlynson of the said towne of Weldrike, husbonde-man, Christofer Flouer, carpynter, and Robert Bovell, wever, of the same towne with dyvers ryotous persons to the nombre

¹ Skipwith, a parish town, 5½ miles from Selby.

² Weldrike, *i.e.* (?) Wheldrake, a parish town, eight miles from York, in the East Riding.

³ Nunburnholme is a parish town three miles from Pocklington. The small Benedictine nunnery here is said to have been founded by Roger de Merley, lord of Morpeth, *temp.* Henry III. The prioress, Elizabeth Kilburn, under the name of Elizabeth Kalbourne, received a pension of 5 marks, in 29 Henry VIII, on the suppression of the nunnery (*Augm. Book*, 232, fo. 2).

of xl in most ryotous wyse assemblid with bowes, billes and other defensable wapins, not fering God nor your gracyous lawes, the first day of Decembre last past came unto the said mese with force and armes, and braike and enterid [in], and the said John Wylson, his wyffe and childerin bett, and theme expulsed and put forthe off the said howse and premissez, to the most perilous example of all lyke offenders and trispasours. Wherefore pleasithe your highnes to direct furth your most speddy proces of subpenays unto the abovesaid persons, commandyng them personally to appere [etc.]. (*Ibid.*, Bundle xxxii, no. 40.)

To the Kyng owre sovereyng lorde.

(c. 1533) In full humble wyse schewyth unto your hyghnes your trewe and fathful subjecte Wylliam Coittes of Grynton¹ in the countie of Yorke that, wher one Jhon Garthe was indetted to one Robart Wycle, gentylman, in the some of xli. to be payde to the sayd Robart at the fest of Pentycost in the fyrst yere of the reynge of your most royall grace [1509] for the sure payment wherof your orator, at the spetyall instans and desyre of the said Jhon Garthe, as surtie for the sayme Jhon, were bownde jontlye and severally with the sayde Jhon by ther ded obligatory to the sayd Robart in xxli. for the payment of the sayd xli., at whytche tyme Garthe faythfully promysed to save your orator harmeles, but the complaynaunt, beyng surtie, was compelled to pay the said xli. upon Garthe's refusal, agaynst all ryght, equitie and gud conscyens; and Garthe at all tymes hath denyed and refused to repay him, and also hath manesed and threyt to beytt and mayme your sayd subjecte, and wyll not suffer hym to ocupie hys tenement or fermolde, wherof he and hys ancestres hathe ben pesabely possessed and the sayme ocupied of tyme owt of memory, after the laudaby costome of the countre to the xiiij day of Marce last past, when the sayd Jhon Garthe and one Geferay Garthe, with dyverse oder ryotus persons to your seyd orator unknown, ryotusly and forceably, that is to saye with bowes, bylles, staves and swerdes, entred into the grownd of your sayd oratore, and thayr, the day above named in the xxiiijth yere of your grace is most nobyl reygne [1533] expulsed, manesed and beytt your say oratore and hys wyff, so that they were in fere and joperdye of ther lyves; in so

¹ Grynton, a parish town, one mile from Reeth, seven miles from Leyburn.

mutche that the wyffe of your oratore yit at thys day lyes and is in perell and joperdye of dethe; whytche, yff your grace or your most honorable consell see not strayttly to be punysched, schalbe to the yvel exemple of oder, and ympoveryschyng and utter undoyng of your sayd oratore. In consyderatyon wherof, it may pleyse your highenes to graunte your wrytt of *sub pena* to the sayd Jhon Garthe to be directed, not only commaundyng hym by the sayme personally to appere befor your hyghnes or your honorable consell in your stare chambre at Westminster, but also to repay the sayd xli., because your oratore hathe no spetyalte nor wrytyng suffycient to recover by the curse of the comen lawe of thys your reylme of Ynglond; and also, your grace moved with pete for thys wroyngfull vexatyon and intollerable trubyll of your oratore sustened, to commaunde hys resonabyll costes and expencys. And your sayd orator schall dayly pray to God for your hyghnes in honor with prosperus contynuans loyng to indure. (*Ibid.*, Henry VIII, Bundle xxxi, no. 138.)

45

TESHE *v.* ATKYNSON AND OTHERS.

To the Kyng our soverayne

(c. 1534) In most [humble wise compleyneth un]to your highnes your faithfull subject and dayly orator Tristram Teshe,¹ that, where the moste Reverende Father in God Edwarde, Archebisshop of [Yorke,² is seised] in his demeane as of fee in right of his arche-

¹ Tristram Tesh, gent. Drake, in his *Eboracum*, gives, quoting *Monumental Inscriptions from Mr. Dodsworth's manuscript*, the following one as being in the Minster: "Of your charity pray for the soul of Margarette Tesh, wife unto Mr. Tristram Tesh, of the Citye of Yorke, notarie & principal register of the Archbishoprick of Yorke, which Margarette departed unto the mercy of almighty God the viii day of December, an. Dom. 1537."

At the time of her death Tristram Tesh, her husband, was the king's receiver for lands and goods in the possession of those persons who had been indicted for their part in the northern rebellion. He was the bearer from the Duke of Norfolk to Cromwell, "in two boxes of all such stuff as was upon the shrine at Bridlington, with a letter to His Majesty. Norfolk desires in his letter to Cromwell, favour for Teshe, as few others are at this time without restitution or agreement made with them, and the Duke does not see how he is to be compensated for the robberies he has sustained. If Cromwell will lodge at his house in York he may be sure of a welcome." See *Letters and Papers, Henry VIII, for 1537*, Part II. There are very many references in these *Letters and Papers* to Tristram Teshe. Payments of salaries to the members of the Council of the North were made through his hands.

² Edward Lee, appointed archbishop of York by the Pope on the petition of Henry VIII on 20 Oct., 1531, and was granted the pall on the 21st of the same month. Lee died 13 Sept., 1544. See *Episcopal Succession*, by W. Maziere Brady, i, 21.

bisshopriche of the barnes callid the bisshopes barnes¹ or bisshopes lathes, lying ny your Citie of Yorke, and of eight cloases of pasture with iij croftes and iij orchardes, contayning by estimacion about ij hunderith and four scoare pasture called the bisshopesfeldes, lying within your countie of your citie of Yorke, and he and his predecessors tyme oute of mynde have peaceably taken the profectes of the said pastures in severalte and encloasid, without interrupcion of any parsons, and on the xxth day of Auguste in the xxiiijth yere of your most noble rayne [1532] demysed the premisses to your orator for the terme of fourtie yeres, paying therefor yerely liij*li*. vjs. viij*d*., your orator by force thereof was possessid of the premises accordyngly, until the last day of September in the xxvjth yere of your moste riall rayne [1534], when one Adam Atkynson,² John Langton,³ Bartilmewe Yorke,⁴ of your said citie of Yorke, marchaunt, John Elys, John Thomson, Thomas Slatter, Willyam Man, Willyam Collyngwood, John Mason and Archebolde Foster, unlaufully and riotously assemblid and arreyed with billes, gleves and other defensable wepons, with foarce of arms and in riotouse maner enterid into the saide cloases callid bisshopfeldes, and caste downe the hedges and diches of the same, and cutt downe the pales there, and putt in their severall catell and bestes to the number of fyve hunderith and above, and causid them to be kepte with a comen herde-man by the space of xxx^{ti} daies and above, to the proliouse example that hath ben seen, and to the greate hurte and importable losse of your saide subjecte of one hunderith poundes. And the said Atkynson, Langton and Yorke, nat so contentid, the seconde day of October following assemblid themselves in like manner, and with other riotouse parsons to the number of thre hunderith, to your saide subjecte unknowne, in like manner arrayed, enterid into the saide cloases, and cutt downe the quyck sett hedges and pales, and cast downe the hedges and diches of the same, and the same hedges and pales bare awaye, and put into the saide cloases many and diverse of their horsses, neate and shepe to the number of a thowsand or thereabout, to the greate hurte [etc.]. And your saide

¹ References to the bishop's barns or "lathes," and of the bishop's fields may be found in the Index to Drake's *Eboracum*.

² A John Atkin, a tanner, son of an Adam Atkinson, was chamberlain of York in 1547. See *Guild of Corpus Christi, York*, Surtees Soc., vol. 57.

³ Perhaps John Langton, draper, sheriff in 1509-10. Died 1542.

⁴ Bartholomew York, merchant, son and heir of Thomas York, and grandson of Sir Richard York, alderman of York, was free in 1527, and chamberlain in 1534. For this and previous note, see *Guild of Corpus Christi*, vol. 57.

orator had entendid accordyng to your lawes to have indicted the said riotouse parsons in your saide citie of Yorke therupon, yet the jury that were impanelid to enquire for your highnes uppon the saide riottes, being commyners of the saide citie and favoring the parties of the saide riotouse parsons, after they had the billes of indictment of the saide riottes delyuered unto theym, and evidence sufficient for the profe of the same, and that the craftie and severall juries had aparant and sufficient knowleg thereof to make their trewe presentement thereuppon, nat dredyng God nor your lawes, cancelid the saide billes of indictment, and delyveryd the same billes so cancelid to the mayer and recorder of your saide citie. And also one other inquest that was impaneled to enquire of the said riott, before they had any comminication of the bill that was delyvered to theym concernyng the same haynouse riott, havynge also like perfect knowleg of the same riottes and other mysdemeaners, openly and presomtuously saide that they wolde fynde nothyng concernyng the same. And som of the saide ryotouse parsons were suffered to geve evidence to all three inquestes impaneled uppon the saide riottes, in playne defence of the saide riott ayenst your lawes, by whose bragges and crackes the said three inquestes were put in such feare that they wolde nor ded fynde the trewght of the saide riottes. By whiche meanes the saide riotouse parsons be as yet nat indicted upon the saide haynouse detestable and greate riottes unlawfully or assembles [*sic*] in derogacion of your lawes, to the greate daunger of the sowles of the saide inquestes, being sworne to present the trewght, and also greate boldenes and comforte of the saide mysdoars and all other such like offenders. In consideracion whereof yt may please your highnes to commaunde your graciouse severall writtes of *sub pena* to be directid to the saide riotouse parsons, commaundyng theym at a certayne day and under a certayne payne, in the same writtes to be lymyted, personally to appere afore your highnes and your moste honorable counsaile in your Starre Chaumber at Westmynstre; then and there to answeere the premisses; and that they and every of theym be injoynd by the same writtes that they nor any of theym shall any ferther medle with the saide cloases unto suche tyme as yt be otherwise orderid by your highnes and your saide moste honorable counsaile. (*Ibid.*, Henry VIII, Bundle xxxi, no. 124.)

To the moost reverend father in God Thomas, Lorde Legatt, Cardynall archbishope of York and Chauncelare of Ingland.

In most humble wise compleynyth unto your good grace your pour oratour Cristoffer Risworth¹ how that John Risworth, Edwarde Risworth, Rollande Asheley, John Sully, with othre to the nombre of twelve persons unknawn to your said oratour, araid in harnes, with their coottes turnede and thair faces covered with hoodes, with bowes, arows, swerdes, buklers and other weppins, came to the house of your said oratour called Halywell² in the countie of York the xxij^{ti} day of September last past or ther abouttes, and about xijth of clike in the nyghtt the said house riottously and burgarely brayk and entered, and afre in the mornynge sore assaulted the chambre where your said oratours wiff lay, and she, being in bedde in Godes peace and the kinges, roysse from her bed, lokinge owtte of her wyndowe, and aisked whoe wais there. And the saide John Rishworth, heringe and seynge here, said Shotte, felaws, and kill here, and it coste me xx^{ti} ponde. And dyvers shoitt at here, and oun hitt here with a arowe, and smotte hire upon the shuldre. Wherewith she fell to the ground, and lay in a swoyn, more lyyk to dye than to lyve. And oun of her servanttes, heryng hire gyve a skryk, came to here and cried Alas, my maistrez is slayn. And the said riottous persons, hering the same, supposid she haid be slayn, and rynn away. And afre that, your said oratour being at that tyme fro home, herd this riottous demeanor in theym [and] compleynynd hym to the Justicez of peace, and ther of the premiszez afor the kynge is Justicez thay were inditted, as [by] the kinges recordes woll appere. That notwithstandinge, the said John, not fering nor dredinge godes lawe nore the kinges, maynteynyth the same matter as all the premiszez wer well doon to a rightt perillous example of such riouttes shuld remayn unpunysed. It may therfor please your gracious lordshipe, the premiszez tendrely consideryd, in somoche as the said John

¹ Christopher Rishworth, of Helliwell or Haliwell Hall, apparently son of Robert of that ilk. Married Ann and had a son and heir, Robert. Robert "the elder's" will of Halywell, was proved 23 May, 1519, having been made 4 May, 1517. He was buried at Pontefract. Christopher, the petitioner in this case, willed in 1538, his body to be buried at Crofton [not Croston, as erroneously stated in *Wills in the York Registry*, Record Series, vol. vi]. In *Yorkshire Fines*, i, there are many references to his dealings in land; see particularly p. 196.

² Halywell Hall, apparently in Houghton or Glass-Houghton, in the parish of Castleford.

Rishworth and Edward Rishworth is daiy in the cite of London, to commaunde your serjeaunt of armez to commaunde the said John and Edward to appere afor your grace in the Starre Chambre, and ther to answer to the premiszez. And your said suppliant shall dayly pray to God, etc. Edward Ryshworth formally denies his guilt. (*Ibid.*, Henry VIII, Bundle xxxi, no. 99.)

47

BISHOP OF WORCESTER *v.* THOMAS.

To the lordes of the kynges most honorable Councell.

1542) In most humble wyse shewith unto your good lordships William Ottye, generall deputye unto the Reverend Father in God Nycholas, Bysshop of Wurcestre,¹ chef almoner unto the kyng, our most drad sovereigne lord, that wher one Robert Thomas, late of Waddesworth² in the countye of York the first day of June in the xxxiiijth year of our said sovereigne lordes reigne, being seducyd by the devill at Waddesworth aforeseid, with a knyffe, which the same Robert did then hold in his right hand, did then and thear feloniously as a felon of hymself murdre and distroy hymself, contrary to the peaxe of our said sovereigne lord, by reason wherof he then and thear immediatly dyed, as by an inquisicion takun at Waddysworth aforeseid the day and year abovesaid before John Frobyssher, one of the coronors of our seid sovereigne lord within the seid countye, upon the vewe of the bodye of the seid Robert playnly doth and may appear; by reason wherof all such goodes, debtes and chattalles as were the seid Robert Thomas the day of his seid deth did and ought of right to apperteyn and belong unto the distribucion of the seid almoner, in augmentacion of the Kynges most gracyous almes, by vertue and according to the tenor and effect of his lettres patentés made unto the seid almoner in that behali. So it is that the said Robert Thomas was possessyd the day of his seid deth of certen goodes, debtes and chatalles amountyng to the some of iiij*li.* sterling or ther-

¹ Nicholas Heath, appointed bishop of Worcester 1544–51. He was appointed the king's chief almoner in 1539. See *Star Chamber Proceedings*, i, 27. For refusing to subscribe to the new Ordination Book, or to further novelties introduced under Edward VI, he was, in 1550, committed to the Fleet, and later deposed from the see of Worcester. In 1553 he was released by Mary from prison. By Papal Bull, in 1555, he was confirmed archbishop of York, but was deposed by Queen Elizabeth in 1559. He retired to a small farm which he had purchased at Cobham in Surrey, where he died in 1579. In 1555 he succeeded Bishop Gardiner as Lord Chancellor, but on the accession of Elizabeth was deprived of that office.

² Wadsworth, in the parish of Halifax.

about, which ben com to the handes and possessyon of William Thomas, James Felden and William Grenewood; and, albe it the seid William Ottye by one William Mygeley hath often and sondry tymes requyrid and instantly desyerid them to restore and delyver unto hym to thuse aboveseid the seid goodes etc. so by them unlaufully conveid and caried away, yet they the same to do hath at all tymes wrongfully and contemptuously refusid and denyed, not only in contempt and despite of our seid sovereigne lord and his seid lettres patentes, but also to the great hynderaunce and lett of his maiestyes almes which shold have bene mynystrid by his seid almonor to his pore and impotent subjectes, and to the perilous and evill example of all such lyke offenders, if condigne punyschement and speady remeddy therin be not by your most honorable lordships shortly provydid in that behalf. In consideration wherof may it please your good lordships to graunt the Kynges writt of *sub pena* to be directid to the seid William Thomas, James Felden and William Grenewood, commaundyng theym by the same personally to appear before our seid sovereigne lord and your good lordshipps in the sterred chambre at Westminster [etc.]. (*Ibid.*, Henry VIII, Bundle xxxi, no. 83.)

1.

In most humble w[ise sh]ewyng complayneth unto your highnesse your faythfull servant Walron Morton, yoman of your most honorable Chambre, that where, for the true and faithfull service which your said servant hath done unto your highnesse in that he, accordyng to his duetie and accordyng to your most gracious lettres to him directed lately yaf evidence unto the jury sworne upon the office founde upon the dying seased of Marmaduc de la River late of Brandesbý in the countie of Yorke esquier, by whiche evidence it was founde that the said Marmaduc was seased in his demesne

¹ This petition is on paper and somewhat mutilated. In *Star Chamber Proceedings*, ii, will be found another petition and other proceedings in this case of Walron Morton against Thomas de la River, and in vol. iii the demands of the same plaintiff, and in vol. ii is also printed the answer of the defendant, Morton, and his replication. The date of the suit is, however, given wrongly, and should not be 1524 but 1505, the 16th of Henry VII and not Henry VIII. The mistake must have arisen through a Henry VII case having been bundled up with those of Henry VIII. The names of the high sheriffs, Walter Griffith and Sir Thomas Wortley, given in the proceedings, show that this is the case. See vol. ii, p. 167. For account of the family see note, vol. i, No. xlv, p. 98.

as of fee of certen landes which he held of your said highnesse in chief by knightes service, and so seased the same Marmaduc died seased, and that Thomas de la River was his son and heir, within age, so it is, most gracious souerayne lord, that the said Thomas de la River and other, his frendes, for that cause onlely, saying thei woll be recompensed of the goodes of your said servant for such sommes of money as thei have paid unto your said highnesse, have not onely disseased your said servant of his freholdes and of certen landes to hym deliverd in execution apou a recovery of ccli. sterlinges apou the statut marchant besides his costes and damages, with other grete injuries and wronges to hym done, but also apou iij yeres now past with force and in riotous maner thei entred the dwelling house and clausures of your said servant at Brafferton in the said countie, and there and then all such goodes and catelles as then bilonged unto your said servant, that is to say xl qrs. whete, xl qrs. rye, xl qrs. barly, cccxx shepe n, an horse, xx hennes, cokkes and capons, 6 lodes hey and xl lodes above the value of c marc ied away and withholdeth contrarie (*Ibid.*, Henry VIII, Bundle xxxi, no. 46.)

49

SMYTHE *v.* JOHNSTON.

To the Kinge our soueraign lord and to his most honorable counsell.

1534 ?) Lamentably complenythe unto your most gracyous hyghnes your trew and faythfull subject and dayly oratour Wylliam Smythe off S[t]rethowes¹ within the countie of your cytie of Yorke, yeoman, that whereas that one William Fairfaxe, esquier,² beyng elect and chosyn sheroff of your countie of Yorke for thys yere, not alonly by vertue of your gracyous processe off *supplicabit*³ unto hyme directyd to attache the bodyes off Rycherd Freman of Tadcaster, Rycherd Gybson and Rycherde Jakson off the same toune, yeoman, bot also by the

¹ Strethouses, in the townships of Steeton and Bilbrough, and parishes of Bolton Percy and Bilbrough, four miles from Tadcaster.

² William Fairfax, Esq., later Sir William Fairfax, of Steeton; high sheriff 1534 and 1539; died 31 Oct., 1558. He married Isabel, daughter and heiress of Thomas Thwaite, of Denton.

³ *Supplicabit* is a Writ issuing out of the Chancery, for taking the Surety of the Peace against a man, and is directed to the justices of the peace and sheriff of the county. See Blount's *Law Dictionary*.

vertue of your gracyous proces callyd a *latythat*,¹ commaundyng your said oratour as hys baylay and officer to your grace by his warraunte to arreste the sayd Rycherd Freman, Rycherd Gybson and Rycherd Jakson, and to bynde them unto peace, according to the tenure of the said proces unto the sayd sheroff directyd, and for so myche as that yt was most necessarye to attach the sayd thre persons togyther, and for so myche as they were all thre off one paricshe, that ys to say off Tadcaster, therefore your sayd besecher reparyd hyme unto the parochie chirche off Tadcaster the xiiij day off June last past, abowt ix off the cloke afore none; and your sayd oratour, persavyng them togyther in the sayd chirch, arrestyd them by the vertue off the sayd warraunt; and they, after that they were so arrested, lyghtly regardyng your most gracyous proces, and by the consyderance, maintenaunce and beryng of one Sir Thomas Johnson, knyghtt,² and one Robert Foster his seruaunt and bailay of the same toune of Tadcaster, the whiche before that tyme wolde nother serve your most gracyous proces nor yit suffer them to be purveyed within the sayd towne, mayd resistaunce and rescwys, as yt apperyth of record by the retorn of your sayd sheroff of the sayd countie in bothe your honorable courtes callyd the Kinges binche and chauncery. And after the sayd rescwys soo mayde, contrari unto your most gracyous lawes, the sayd Rycherd Freman, Rycherd Gybson and Rycherd Jakson, with divers other mysdemenyd persons of the same pariche to the nombre of xx and above, seyng your sayd oratour standyng in the doore of the sayd chirche of Tadcaster, intendyng to take hollebreyd [*i.e.* holy bread] at the prestes handes, in most cruel and forceably maner, and with grete violence and force, hourlyd your sayd oratour frome the doore of the sayd chirche throw the chirche herthe³ into the

¹ *Latytat*, *i.e.* " *Latitat* is a Writ whereby all men in Personal Actions are called originally to the King's Bench, which hath this name upon a supposition, commonly untrue, that the Defendant doth lurk and lie hid." Blount's *Law Dictionary*.

² Sir Thomas Johnson, of Leathley, near Otley, married (licence, 1528-9) Isabel, widow of Brian Palmes, Esq., of Lindley, and daughter and heiress of Thomas Lindley, Esq., of Lindley. He owned the manor of Leathly and other estates, and was knighted about 1532. His wife is described as a widow in a Fine dated 1547, relating to the manor of Leathley. In his marriage licence Sir Thomas is described as "of the family," *i.e.* household, "of the Earl of Northumberland." See *Marriage Licences*, etc., *Test. Ebor.*, iii, 375, and for his will, *Test. Ebor.*, vi, 203.

³ "Chirche herthe." The word "herthe" is an interesting one, and has caused some trouble to etymologists. Halliwell defines "harre" as "the back upright timber of a gate by which it is hung to its post," and quotes the *Nomenclator*, 1580, as his authority. In the *Catholicon Anglicum* Sidney J.

towne gate, and so hurlyd hyme, lede and caryed hyme frome thence unto a place callyd tollbothe, and there put your sayd oratour in pryson, frome the xij of the cloke of the sayd day unto the morowe of the next day, all whiche tyme they lokyd the doore and so kepyd hyme in warde, withowt other mete or drink, in so muche that strangers resortynge to the sayd towne and off your oratour his aquantaunce, perceyvinge your sayd oratour so stratly kept in doores, wolde have gyvin hyme mete and drinke, and the inhabytaunce of the sayd towne wolde in no wyse suffer them for to doo. And also one Francis Metkalff,¹ baylyff to Sir Thomas Quarton, knyghtt, of hys lordshipes of Helay and Katterton,² the whiche of layt was the erle of Northumberlandes,³ heryng off the sayd arrest and rescwys, and supposing in his mynde that your sayd sheroff wold arrays a grete cumpany, and come to the sayd towne of Tadcaster, and there for to rest and cary to pryson all suche mysdemenyd persons as before had mayde rescwys and imprisonyd his sayd balay, not fering God nor the punyshment of your most gracyous lawes, in most ryotous wyse assemblyd and getheryd togyther divers and many myschevous persons to the nombre of ccc and moo in harnes, with bowes, billes and other invinsable wepins, of the inhabytaunce and dwellers of the sayd lordshyps off Helay and Katterton, and seuaryd them in divers companys and hyd them priuily in woodes, heches and dyches betwyxt the sayd towne of Tadcaster and a place callyd Steton, where as the sayd William Fairfax dwellyth, all that after none of the sayd day, intendyng to have mahemyde, murderye and kylde the said sheroff and other sicke persons as that he wolde bringe with hyme, and all by the supportacion, maintenaunce and beringe of the sayd Sir Thomas Johnson, stewarde and officer unto the ryghtt honorable Lord Herry, erle of Northumberlande, and having rowle and gouernaunce of all the tenauntes and

Heritage, in a note, says that it is defined incorrectly in the *Nomenclator*, and intimates that the proper meaning is "hinge" or "pivot" of a gate or door. Anyhow, in the case in point "pivot" and "hinge" are equally impossible. Halliwell defines "hartree" as a gate-post, but adds "South" as its place of use.

¹ Francis Metcalfe, of Nappa, "became a lunatic," writes Clay in his *Dugdale's Visitation*, "in 1507." He married Joan, daughter and coheir of Edward Seyton, of Maidwell, co. Northampton.

² Helay and Katterton are apparently Helaugh or Helagh and Kearton, both of them situate in the township of Melbecks, one and three miles respectively distant from Reeth, in Swaledale.

³ Earl of Northumberland, Henry Algernon Percy, K.G., 5th earl. He married Catherine, daughter and coheiress of Sir Robert Spence, of Spencer Combe, Devonshire. At the dissolution of the abbeys he became master of eighteen of their possessions.

servauntes of the said erle in those parties. And in provyfftheroff, one William Thwaytes¹ of Marstone, esquier and a substantiall gentylman, the which mete divers of the sayd evill dysposyd persons repairing them to the sayd unlawfull ryot, and also the prior of Helay abbay,² the whiche had divers tenauntes there, by the procurement of the sayd Francis Metcalfe, examinyd and questyonyd hys sayd tenauntes and other the sayd persons, whiche reparyd to the unlawfull assemblyment, rowt and ryot, whyther they went and what they intendyd; whiche aunsweryd and confessyd all and every thinge as before ys alleged. Also the sayd tenauntes and other inhabytaunces of the sayd towne off Tadcaster assemblyd in most ryotous wyse to the nombre of xl and above in harnes, with bowes and billes, and hyd them privyly all that same nightt in olde howses abowt the sayd tolle bothe, where your sayd oratour was in pryson, for that he shuld not eskafe unto the next morrowe, whiche was the xiiij day of June. At whiche tyme the sayd Robert Foster, assocyed and accompenyd with hym Rycherd Freman, Rycherd Gybson, Rycherd Jakson, Edward Rycherdson, Thomas Grene, Edmund Remyngton, John Horsman, Robert Bekerton, George Chapman, Robert Patryke and John Barker, men of evill demener, with divers other ryotous persons to the nombre of xxij and above, in most ryotous wyse assemblyd in harnes, that ys to say with Jakes, spelentes, and brekeners, and the most part of them with bowes, and the resydew with speres and swerdes and buklers, came unto the sayd howse callyd tollbooth, where your oratour was in prison, with a spare horse, and toke hym forth of prison with grete violence, and cast hym up of the bake of the sayd horse, saynge unto hyme that he shulde see a goodly cassyle in the north partes callyd Aunwyke; and so they lede and caryed hyme with sicke violence and force, part of them rydyng by hynde hyme and part before hyme, unto a maner place off the erle of Northumberlandes callyd Topclyff, as thoff they wolde have caryed hyme to execucion, that in so miche your sayd orator was in grete doubt and fere off lesing of his lyffe; and

¹ William Thwaytes, of Marston, apparently the William Thwaite, junr., of Bossall, who was buried at Marston, and whose will was proved 26 Oct., 1532. See *Wills in the York Registry*, 1514 to 1523, Record Series, vol. xi.

² Helay, *i.e.* Healaugh priory, situate about three miles from Tadcaster. In the second year of the reign of Henry III, a convent of regular black canons, under the government of a prior, was established here and endowed by Jordan de S. Maria and Alice, his wife, who was grand-daughter to Bertram Haget, who had given the site. See Allen's *History of the County of York*, i, 484. The last prior of Healaugh was Richard Roundall, who was pensioned off with £18. See *Letters and Papers, Henry VIII*, vol. xiii, Part I, p. 575.

then and there delyueryd hyme unto one hogeson, servaunt to the sayd erle and porter of his gates, the whiche porter kepte hyme in his warde frome the sayd xiiij day of June to the seconde day of the next monethe, the whiche was xx dayes complet, and as yit had remanyd there in prison, but for that that yt was sayd and noysyd thorowghe all the contre that your grace had sent your gracyous letters unto the sayde erle concernyng the sayde misdemeners, to the grete impoverishyng, distruccion and undoyng of your sayd besecher, his wyffe and chylderin. And over and besydes all the sayd injures with wronges, they kept your sayd oratour fast lokyd in a pare of stokes for the space of iiij dayes, parcell of the sayd xx dayes, with his legges sett high upp and hys heyd hangyng doune, in most dyspytfull and cruel maner, werby he was in a maner perichst and loste, to the most evill example of suche lyke offenders and to the grete disturbance of your subjectes in those parties dwellyng, in so myche that your sayd oratour, nor yet noother of your officers shalbe sufferyd to dwell there and to doo there office, bot rather shalbe compellyd to flee frome thence into some other contre, unles a reformation by your grace and your most honorable councel be therfor shortly provydyd. Wherefore mychtt yt please your most gracyous highnes and your most honorable councell, at the reuerence of all myghty Jesu and in the way of pety and charyty to se condyng punychment may therfor be had and that your sayd oratour may have a recompence for sich injures as that they, contrary to your lawes, to hym hayth comytted. (*Ibid.*, Bundle xxxi, no. 18.)

The answers of Sir Thomas Johnson and others are printed in vol. iii, *Star Chamber Proceedings*, and the replication of Smythe is printed in vol. ii, *Star Chamber Proceedings*.

50

VAVASOUR *v.* HAMYLTON AND OTHERS.

Ante To the King our soueraigne lord.

1524) In moost humble wise complanyng shewith unto your highnes your true and faithfull servaunt John Vavasour esquier that, where as Henry Vavasour,¹ father unto your said servant was seased of certain landes and medowes in Tadcaster within the countie of Yorke, in his demeane as of fee, and so being

¹ John Vavasour, Esq., of Hazlewood, son and heir of Henry Vavasour, was 21 years of age at the date of his father's inquisition in 1515. He married Ann, daughter of Henry, sixth Lord Scope, of Bolton, in 1 Henry VIII (1509-10). He died 11 Aug., 1524. See Clay's *Dugdale*, ii, 226.

seased died therof sealed; after whose discease the premisses discended and of right ought to discende unto your said servaunt as sonne and heire to the said Henry, soo it is, moost gracious soueraigne lord, that Richard Hamylton, William Radclif, William Lyttón, Thomas Jakson and John Realme, with other riotous and euille disposed personnes in riotous wise with force and armes assembled thaim together to the nombre of xiiij personnes at Tadcaster aforesaid, the xxij of Juyn last passed, and then and ther with force and armes not onely riotously entred into xiiij acres of medowe, parcell of the premisses, but also then and ther made a great assaulte and affray upon John Ladynam and John Scott, servauntes unto your said servaunt, then mowing the grasse growing in the said medowe, as lafull was for thaim, and ther put thaim in great daunger and jepardie of their lyves, to the disenheriting of your said servaunt and to the perillous example of alle others, like offendours, in those parties, if due punyshment for reformation of the premisses by your good grace be not rather had. It may therfore please your highnes, the premisses tenderly considered, to graunte your moost gracious letters under your prive seale to be directed to the said offenders, commaundying thaim by the same tappere afore your highnes and your moost discrete counsaile at a certain day and undre a certain paine by your grace to be lemyted, taunswer unto the premisses. And he shall dailly praye unto God for the prousperous conservacion of your moost noble and royalle estate. (Endorsed with an order, by command of the lords of the council, 4 July, for the summons of the defendants to be before the King and his Council at Westminster in the Quinzaine of Michaelmas next, under a pain of £100 each. (*Ibid.*, Bundle xxxi, no. 5.)

51

RAUF DE LA HAYE *v.* COLTHURSTE.

To the Kynge our soueraigne Lorde.

(1536)

In moste humble wyse complaynethe unto your Highnes your humble subject and dayly supplyaunte Rauffe de la Haye, gent,¹ that wher oon Thomas Colthurste was and yett ys pos-

¹ Rauf de la Haye. In *Letters and Papers, Henry VIII, for 1540*, p. 60, No. 163, is the abstract of a letter written by Charles, Duke of Suffolk, to Lord Cromwell, asking him to write to Lord Monteagle on behalf of the bearer, Ralph Delala (De la Haye), who had been eighteen years bailiff and receiver of the manor of Breerly, Yorks., by a sufficient grant of the late Lord Mounteagle, confirmed by his will and by office found after his death; notwithstanding which the present Lord Mounteagle (Thomas Stanley) has dismissed him.

sessyd of a pasture and medowe groundes called the newe parke in the towne and lordshippe of Byerley¹ in your countie of Yorke, by reason of a lease to hym made by the Lorde Mounte Egle² for certeyn yeres yetto come, which Thomas Colthurste for the summe of iiijs. to hym payd by your saide suppliaunte solde to hym the heye growynge uppon a pece of medowe, parcell of the said new parke, to the quantite of twoo lodes or therabowght, soo yt ys that the xxix daye of July last passyd in the xxviiijth yere of your most noble and victorouse reign [1536] oon Edward Parker, Arthur Boone, John Nodder, Richard Nodder, Thomas Halle, John Humfrey, John Pytte and other to the numbere of ix or x persons, whose names your said suppliaunte knowithe nott, in ryottous maner unlawfully assembled, that ys to saye with swordes, bukkelors, staves, billes and other defensive weapons, and in armure, came to the said pece of medowe, and there fellyd and cutt downe the said heye. At whiche tyme your said suppliaunte, perceyving their unlawfull demeanor, sent oon Robert Osteclyffe unto them, requyrynge them to leave theire soo doyng, and to departe from the said groundes, to whom they made aunswer that they wolde carrie awaye the said heye, whosoever saied naye; and

On the death of Edward Stanley, Lord Monteagle, it appears by a letter written by Laurence Starky to Lord Darcy, that the latter was told to send to London at the sign of the "Buysshop" in Gray's Inn, Holborn, where his servant would hear of Rauff Delahaye and Chr. Hogekeynson, a servant of Starkey's, and can find out from them regarding the endeavours of certain evil-disposed persons to break the late Lord Monteagle's will, and undo the young lord and his servants. Lord Darcy is mentioned in this letter as the late lord's chief executor. See *Letters and Papers, Henry VIII*, vol. iii, Part II, No. 2045, p. 1241.

¹ Byerley—a clerical error doubtless for Brierley, a township in the parish of Felkirk, five miles from Barnsley. In this township is a single house, called Brierley-Manor. Ralph Delahay was bailiff of Brierley as mentioned in the previous note.

² Edward Stanley, Lord Monteagle, died 1523, and was succeeded by his son, Thomas Stanley.

There is a long and interesting inventory of the goods at Hornby of Edward Stanley, Lord Monteagle, which are described, "all the stuff at Hornby that is not in the King's inventory made by the Commissioners," printed in *Letters and Papers, Henry VIII*, vol. iii, Part II, No. 1989.

Lord Edward Stanley fought at the battle of Flodden, and was rewarded with the peerage. The ancient barony of Monteagle was created by writ, dated 1514, of which the fourth holder was the recipient of the mysterious message which led to the discovery of the Gunpowder Plot in 1605. This original barony is now believed to be in abeyance among various coheirs, and the late Lord Monteagle was the grandson of the holder of the title created in recent times, unconnected with the Stanley family. In a long list of possessions owned by Lord Henry Stanley, beginning with Hornby, mention is made of "Breerly Manor." See *P. M. Inquisitions, Duchy of Lancaster*, 15 Henry VI.

soo ryottously with force carried away the said hey the day and yere afforesaid, to the most perrillouse ensample of all other such lyke offenders [etc.]. In consyderacion wherof [etc.]. (*Ibid.*, Bundle xxxii, no. 47.)

To the Kyng our soveryng Lorde.

In most humblye wyse complanyth unto your Hyghnez Rowland Herbert of Skipewith¹ that wher as he is seased of oon close callyd Norwoodes in the parysche of Skypwyth for terme of certen yerrez of the demise and lease of Dame Anne Hungayt, late the wife of Ser John Hussy, knyght deceasyd, in hur wedoweheyde, of the which yerrez parcell doith yet contynue, one George Hussy of Duffeld, co. Yorke, esquyer Thomas Senowys, Thomas Smyth, Henry Ray and Richard Wynnde of the same towne of Duffeld, accompanied with iiij other mysdemeanyd persons unknowen to your said subject, came unto the seid close the first day of June last past, and in most ryoutusse wysse assemblyd with bowys, bylls, staffes, spaydez and other defensable wapyns, brayke and enteryd into the seid premissez, and than and ther at the same present tyme, gravyd and dyggyd viij lood of turffes and moe, withowte any maner of cause or tytle, to the grett loss and hurt of your seid subject, who, heryng therof, went unto the seid close, and toke with hym one Rychard Herbert his sone, and ther fownde the seid evyll disposed persons ther dyggyng; and in most gentyll wyse intreatyd them to cesse ther dyggyng and to departe. And so they did, and went home, and ther towlde ther mayster, the which was gone home afore tham, as that your seid subject had bene there, and wold not suffer tham to dygge any lenger ther. And the seid George Hussy, perseveyng that, went ageyne in a grett fury, and toke with hym the seid misdemeanyd persons and vj moe associat with them, and ther dyggyde all that day. And the seid George Hussy, not holdyng hym content with thos evyll and misdemeanyd actes, of a forther pervers mynde, the xij day of the same monyth or therabowt, commandyd the seid Thomas Robynson, with iiij other persons unknowen unto your seid subject, to goe unto the seid close, ther to dygge and grayve as they did before; and forther that everyehon of them shuld take with tham a stayffe or some other wapyn, to

¹ See suits "Stabill *v.* Hussey," p. 4, and "Herbert *v.* Hussey," p. 72, *ante*.

the intent that if your seid subject, or any other for hym, came unto them, they shuld mayke assaute and affray of them. And your oratour, perseveyng the seid ryottes and wronges, sent oon Jamys Robynson, his seruande, unto them to intreate the seid ryottuse persons to depart, and to goe away from thens in pesable maner, and rather to put into the seid closse xx hedde of cattell, to eyte the grasse then so to dygge the grounde, wherby the grownde wold bryng forth no good gresse; the which ryottuse persons aunsweryd and seid that he shuld haue that that he came for, and whit that they assaulted hym, and than and ther stroke the said Jamys Robynson appon his arme, wherby he is meamyd, and also they toke his staffe, his cloke and his hatte; and, abbeyt thoughe the seid Jamys Robynson requyred to have tham ageyne, they said that, if he wold requyre any thyng ther he shuld not goe home to telle any moe taylles. And so he departed sorre hurt and meamyd, to the evyll example of all like offenders, and lykely to growe to greate inconvynyentes and myscheyffe unlesse a remedy be therefor provyded, and that shortly. Wherefore pleasith it your heyghnez, in the way of pyte and charyte to award forth your gracyous wryttes of *sub penas* severally to be directyd unto the seid riottuse persons, commandyng them by the vertue therof presently to appere before your honorable Counsell in the Steyrre Chambre, at a certen day and under a grete some by your Grace lymytte, and your seid subject shall daily prey to God for your gracyousse heyghnez longe to endure.

(signed) Palmes R.

(*Ibid.*, Bundle xxxii, no. 43.)

To the Kyng our soueraigne Lorde.

In moste lamentable wyse compleneyng shewyth unto your Hightnes your pour subject Antony Wryght that, where as one Johan,¹ now wyfe of one Johen Butler of Cowthorpe² in

¹ Joan, wife of John Butler, previously the wife, as stated in this Bill, of Robert Roose, otherwise Rouse, of Ingmanthorpe, Esq. In 1542 John Butler and Joan, his wife, were plaintiffs in a suit in the Duchy Court of Lancaster regarding four messuages and lands in Kirk-Stainley, near Ripon, and Robert Roose, of Ingmanthorpe, and Joan, his wife, are also parties to proceedings in the same court as far back as 1529. Was he the son and heir of Robert Roose, of Ingmanthorpe, who married Mary, daughter of Sir James Strangways, of Harlsey and Whorlton, and whose will was made 30 Oct., 1529, and proved 23 Oct., 1532? See Glover, 569, and Clay's *Dugdale*, ii, 310.

² Cowthorpe is a parish town four miles from Wetherby.

the countie of Yorke, yoman, and affore that tyme the wyfe of one Robert Rosse of Ingmanthorpe in the seid countie, esquier, was seasid in hir demene as of freholde of one close in Yngmanthorpe,¹ and the same by hir dede demysid to the seid Antony for the good seruice by hym unto hir dōne for terme of his lyfe, without eny thyng payng therfore to the seid Johan, as by the dede therof maid (redy to be shewid) more playnly yt dothe appere, and delyuere of season therof to the seid Antony made accordyng; by vertue wherof he was peasably possessid by the space of thre yeres. And after the seid Johan toke to husbond the seid Johen Butler, who, sone after the mariage betwyxt them, dyd expulse your orator from possession of the seid close; agaynste whome your orator did exhibit one bill of compleynt before the Byschop of Derham and other the Kynges Councell than establisched in the northe partyes, for the redres of all causes; wherupon, the title of the seid matter before theym at large and deliberately harde and debated, ytt was by them decreed that the seid Johen Butler and his wyfe schulde peasably permit the seid Antony to occupy the seid close accordyng to the seid graunt. So yt ys, most gracios soueraigne Lorde, that the seid Johen Butler, perceyvyng the seid councell in the northe partes to be dismyssid, and that your supplyaunt is a very pore man, and not of abilite to trye [?] the commen law with hym of his cruell and malicious mynde that he berythe agaynste your seid orator, intendyng his utter impouerishment and distruccion, the xiiijth day of Marche last past, accompaned with hym Robert Gell, John Cokke, Robert Wakfeld, Harry Merton and Richard Watterson of the same towne, yomen, with force and in riotus maner hathe entrid into the seid close, and expulsed your orator of the same, contrare to the Kynges lawes, ryght and good concians, and to the most perilous ensample, [etc.]. In consideracion wherof [etc.]. (*Ibid.*, Bundle xxxii, no. 69.)

Commission, tested at Westminster 8 February 23 Henry VIII [1532], directed to Bryan Hastings, William Babthorp, Robert Chalenour and John Anne, esquiers. Forasmoche as upone the lamentable compleynt and credible shewing of dyvers

¹ Ingmanthorpe, a hamlet in the parish town of Kirk-Deighton, three miles from Wetherby.

our subjectes abideing and dwelling aboutes Wombwell¹ within our countie of Yorke it is comme to our hering and knowlege that one Henry Womwell² of Womwell in the said countie by malicious persons is dede and perissed in most detestable maner by mynysting to hym poyson in his drynkyng cup to our most grevous and high displeasure and to the perillous example of all like mysdoers and wykked people if due and spedie remedie be not provyded and had in that behalf, We therefore entending the due execucion of justice and punysshement of such and lyke mysdoers in example of others, and alsoe having full trust and confidence in your fidelities industries and wisdomes doo yeve unto you four and every three of you full power and auctoritie to call and convent before you aswell all and singler suche persons of every degre whom you shall by your discrecions thynke convenient apte and mete to testefie prove or depose in that mater for playn profe and declaracion therof, as alsoo to call attache and cause to be attached arrested and brought before you all and evréy suche person and persons as by any moynes ye shall thynke to knowe to be offenders commytters or persons suspected And the same offenders committers and persons soo suspected, as ye shall see cause, to cause to be attached, and theym and every of theym to imprison and theym to inlarge from tyme to tyme, and also them to examyn upon all circumstances of the premisses, and not only the witnesses, proves and deponentes to examyn upon all and due circumstances therof, and the same to cause to be put duely in writing, but alsoo the examinacions and deposicions of the said offenders, committers and persons suspecte and every of theym alsoo to cause to be put in writing, and to sende and certifie all the saide writinges undre your seales or the seales of three of you unto us and our said counsaill at Westminster in the xvth of the Holy Trynitye next commeng, Soo that by your said certificat we and our said counsaill maye the more clerely be instructe of all the playnnesses and trouth of the premisses. And ferther we to doo therin as shall apperteyne to justice and equitie. Faile ye not thus to doo as ye tendre our pleasure and woll eschewe the contrarie. And moreover we straictly charge and commaund all and singuler Justices of peax, Maires, Shirreffes, Bailliffes, Constables and other our officers, ministres

¹ Wombwell, in the parish of Darfield, 4½ miles from Barnsley.

² Henry Wombwell, Esq., of Wombwell, aged 32 at the date of his father's inquisition p.m., in 1521. His own inquisition p.m., dated 28 Oct., 1532, says he died 16 April, 22 Hen. VIII, 1531. He married Katherine, daughter of Sir William Mauleverer, of Womersome, and had issue two sons, William, who succeeded his father, and Roger. See Clay's *Dugdale*, ii, 210.

and faithfull subjectes that they and every of theym be ayding, helping, counsailling and assisting you and every of you in the execucion of the premisses, as they woll aunswer to us at their uttermost perils.

The bill (on paper and considerably mutilated):
trew and feythfull subjectes John Taylor,
sometime servants and tenants unto one Henry Womewell
esquyer, lately poysened and murdered at Womewell in your
countie of Yorke, that where greete malyce, gruge, dyscencyon
and discord hath bene of long tyme paste betwixte the said
Henry Womewell and one Kateren, late hys wyffe, the wich
contenuyd by the space of viij yierz, duryng the wich the seid
Kateren many and sondry tymes hath procured and imaged
the dethe of the seid Henry Womewell hyr husbond, in so moche
as the seid Kateren and Henry were not in company together
by the space of iij yeirez a lyttyll before the dethe of the seid
Henry, and she hath oftyn tymes reportyd and seid that her
harte abhorred, and that she could not be mery when she dyd
here of the name of Womewell; so it ys, moste hye and soverayne
lord, that one Easter day laste paste, as the seid Henry was
settyng at hys table at souper, at his maner place callyd Womewell, the seid Henry callyd for a coupe of ale, and one Elezabeth Agrene, servant unto the seid Henry, then imedyate by the assent, concent, procurement and commaundement of the seid Kateren, dyd bryng to the bord a cuppe of ale wherin was putt by the seid Elezabeth and Kateren a strong poysen, and dyd sett it before the seid Henry, to the intent to poysen the seid Henry hyr mayster; and he dyd take the cuppe and dronke of yt, and imadyate as he had dronke therof he dyd ryse from the bord, and was very seke, and walkyd into the hall and mette wyth one Raffe Metcaffe, his butler, and comandyd hym to gyve hym some drynke, for he seid that he had dronke of a cuppe of ale at supper, wherby he percevyd ryght well that he was poysened; to whome the seid Raffe aunswered and sayd that he dyd not fyll the seid cuppe of ale, uppon the wiche the seid Henry wexid very sore syke;—and duryng the seid tyme, yf that any of his servauntes or tenants came to loke how the seid Henry dyd, the seid Kateren whold in no wyse suffer them to come to spake with hym;—and so contenuyd in that extreme discease by the space of iij days, and then at Womewell dyed of that same inpoysenyng. And as sone as he was so dede, for that they percevyd hys body was swollen, so that they ferred it shold have bene espyed that he was poysened, they toke hys body and putt it into a corse canves shete, and dyd wynd hys body therein as

hard as the[y] could, and after that inclosed hyt in a fyner shete, and seid that he dyed of the pestylens, by cause that no man shold come thether to se the body. And imedyate after he was so dede the clamour, fame and comen voys was in all the countre how that the seid Henry Womwell was poysaned and murdred; uppon the wich, on the Wednesday in Wytsonwyke then next after, your seid compleynautes for the love and favour that they had and bare to the foreseid Henry and for the execucyon of justice, and to disclose and oppon that shamfull murdere, came to Wodkyrke¹ within your countie aforeseid, and then and there at the sassions holden before Sir Richard Tempest and Sir Robert Nevell, knyghtes, and Thomas Gryve, gent., with other your Justices of the perce, exhibyted a bill of Indytment agaynst the [seid Kate]ren and Elezabeth of the seid shamfull murder, and gave other substancyall evydence, and browght in substancyall proves of the same; yet that notwithstanding, [for s]o moche as the seid Kateren ys so alyed and frendyd with the moste parte of the knyghtes and gentylmen of your seid countie, the wiche do beyre favor and manteyne the seid Kateren and Elezabeth, so that by no meanes they myght gett or cause the seid Kateryn and Elezabeth to be indyted of the seid murder, the wiche also ys lyke to be clokyd and hyd and unpunyschyd ample to al and comfort, corage and cause to other suche lyke personz to offend, and a greate unquietnez to all your subjectes in those partiez abydyng onles remedy by youre god grace in thys behalfe may be provyded, wherfore for the preservacyon of justice in thys behalfe and also for the conding punyschement in that behalf to be had your letters of commyssion under your seale your Justices of Assize of your seid countie of Yorke, and to everie of them, strayghtly chargyng and comandyn them and every of theme that at the next assizes in your seid countie to be holden they do dylygently make serche and enquere of the murder and deth of the said Henry Womewell and the circumstances of the same, and by theys meanez youre Grace shalbe sertefyed and the trewth therof knowyn, how and in what maner the seid Kateryn and Elezabeth have poysened and murdered the seid Henry Womwell, wiche shalbe a greate quietnes to all your powre subjectes in those partiez, and thys in the way of charite and in the reverens of God. And your power oratorz and subjectes schall dayly pray to God for the preservacyon of youre moste honorable and ryall estate long to indure.

¹ Woodkirk, a parish town six miles from Wakefield.

Depositions takyn at Wentbryge¹ the ix day of Apriell 23 Henry VIII [1532] before us Bryan Hastings, squire, William Babthorpe, Robert Chalonor and John Anne, by vertue of the Kynges commysion to us directed.

Ser Rycharde Tempeste, knyght, of thage of lij yeres and more, deposityth that one Wylliam Grene of Wombewell and Christofere Husteler and Edward Lee came to hym to Bollyng Haull with the seid Henry Wombewell about a yere before the deth of the sayd Henry, and sayd Henry say then and ther to the sayd Ser Rycharde that he was comyng to desire hym to be good mayster and frynd unto hym, for he hayd hys landes and goodes soo orderide that he cowlde not helpe hyme selfe therwyth, and that he was put in such joperdie of hys lyfe that he was fere so to contenew wythout hys helpe or such lyke wordes; and ferdere sayd that he was put in a chambere in hys owne house, and kept ther a certan tyme, and, bot that one Stanffelde brake oppon the chamber dowr, he hayd beyn ther dystroyd; and at the same tyme the sayd Grene sayd that he knew theroffe, and gayff counsell to helpe to loysse hyme, and to get Stanffeld to come and helpe hyme, and that for that cause and other causez concernyng the sayd Henry Wombewell that he toke his partie up, was fere to be slane; and that he wold sewe to have the peas and other remydie for the same. And ferther Ser Rycharde saythe that he told Thomas Woderoffe dyvers tyme what they hayd shewyd to hym in thys matter and other. And that wythin one quartter of a yere before the deth of the sayd Henry, at London the sayd Henry sayd to the sayd Ser Rycharde before the sayd Christofore and Edward, Ser, I pray you be good master to me, and to helpe me, for I am in such troble and besynes and fere of my lyff, I dare not goo home, for I have mayd state and resevyd money, and can not bryng all thynges to a good purpos, that I am afraid to go home for fere of poisynyng, ne I wyll not goo theder. And Ser Rycharde thin advysyd hym to go home and speke with his frendes, and se hys landes and goodes, and yf afterwarde he were in eny fere, he shuld come to hyme and be with hyme, and he wolde gyf hym his borde for a space unto he were furth of hys besynes. And the sayd Henry sayd that he was so afraid that he durst not ne wold not go home. And thus they departed; and the sayd Henry wente into Wombewell, and ther tarryd in one Stansfeldes house, wyche Stansfeld sayd unto the sayd Ser Rycharde that he shewyd hym that he durst not go

¹ Wentbryge, *i.e.* Wentbridge, in the townships of Kirk Smeaton, Darrington, and Thorpe Audlin, $4\frac{1}{2}$ miles from Pontefract.

home. Ser Rycharde hard no more therof unto Ester waike, when he dyed, at wych tyme one More came unto the sayd Ser Rycharde, and sayd that the sayd Henry was poysynyd and seke, and that he shuld never see hym. And then after came one Upton to the sayd Ser Rycharde, the day after the dethe of the sayd Henry, and sayd that hys maister desired hym to pray for hym, and sayd that his maister shewyd hyme that one Elesabeth Grene had poysyned hym, and bad hym shewe the sayd Ser Rycharde the same, and desyred hym that he wold helpe that she myght be punyched. And Ser Rycharde sayd that they had nede to take hede wath thei sayth, for yt is a grete daunger for to so do, withowt it be trew. And the sayd Upton departyd thens, and Ser Rycharde hard no more hereyn to he amonges other was at one Cessions of the peas at Wodekyrke, wher the said Upton exhibit a byll or exaccion to the sayd Justices, wych was delyveryd unto Homfrey Brown, one of the kynges Justices of assyse at Yorke, and the copy wherof the sayd Ser Rycharde delyvered to hus the sayd commysioners.

Item Thomas Shypperd of Wombwell, tenaunte of Henry Wombwell, of thage of l yeres or ther about, deposyd that after Henry Wombwell was gon to London in Hillarii terme befor hys deth, the sayd Kateryn hys wyfe dyschargyd hym of such grounde as he hade takyn of the sayd Henry by indenture, and he desired her to be good unto hym, and send dyvers persons to her to desire her of the same, albeit she wolde not be conteñd therwyth. And when the sayd Henry cam home he put hym into hys owne grounde agayn. And that notwithstanding the sayd Katerin causyd hys bestes to be dryvyn furth agane. And when Henry Wombwel came to Mextburght, the sayd Shipperde went to hym, wych sayd that he shuld have his closis agayn. And the sayd Shipperde sayd Why come ze not home? And he answerd that he durst not com for he was fere of poysynyng. And afterward the sayd Elesabeth Grene came unto the sayd Henry, and afterwarde the sayd Henry sayd unto thys deponent that the sayd Elesbeth sayd that her maistres wold never ly with hym, bot she wold go to Yorke and be deforcyd from hym. And afterwarde he comaundyde thys deponent to go and gedere hys rent, and then came the sayd Katerin to the sayd close and ther kyllyd a lambe of this deponentes. And ferther he sayth that of Ester day, when the hye masse was done, the sayd Henry and hys wyff cam rydyng home, and the wyff of this deponent bad them good morow, and the sayd Henry bad her good morow, and the sayd Katerin sayd no good morow or lyke wordes. And at

after none thys deponent came to one Bradles house to wayt of hym to evynsong; and ther was one Rychard Lumby, servant unto one John More¹; and the sayd Katerin sayd Ay, Roger, I love not the, and ons or May day I shall have my wyll both of thy mayster and Shyperde. And whan the sayd Henry was deyd, the sayd Katerin entryde into the sayd closez and send word to thys deponent to leve the occupacion of them.

The sayng of Elisabeth Grene.

She sayth that she dwellyde with the said Wombwell by the space of one quatter of yere befor hys deth; and that she was at Mexburgh with her maister, and that husteler came to her and sayde that her master whold have her com to hym thyder; and she shewyd her mastres of it, and she bad her goo theder, and so she dyd. And when she cam ther, she sayd unto her maister that it was to hys worschyp to come home agaynst Ester, and so he dyd. And at that tyme she sayd no mor to hym, bot shewyd how Shepperde had entretyd her mastres very evell, and he was therwith angre towarde hym. And ferther she sayd that Ser Wylliam Gascoignes servaunte had lad raton brede in the house atte Shrotyde before. And ferther seid that her master complenyd hym to be seke ether at Messe or at Evynsong of Esteris day, bot she was not remembryde wheder it was; and that she sat at the table end wyth hym and her mastres at sopper of Esteris day last, and he desiryd her to fych hym drynke, and so she dyde; and that Rauff Metcallfe was not within att the tyme. And ferther sayd that the seyde Henry had no mor drynke at the sopper, and that one of the chyl dren of the sayd Henri and also the sayd Rauff Metcallfe dranke of the same cupe, and that she knew not that her master p'brakyd² befor Monday, albeit she sayd that neghbours sayd that he p'brakyd in the toune at afternone; and she sayth that she never askyd forgyvnez of her master, and that her master offeryd to kyss her dyvers tyme when he lay seke, and she sat of his bede. And ferther she sayth that she askyd her master how he dyd, and he sayd well. And Upton sayd He wyll do well, yf ze wyll lay down at his bak, wherwith the sayd Elesabeth was not content.

The deposicion of Thomas Upton, servant to Henry Wombwell at the tyme of his dethe, of thage of xxx^{ti} yeres or ther about.

He sayd that his master was in go[od] health of Ester day, and at after none went to Derfeld to evynsong, and ther went

¹ There appears to be an omission here.

² Perbrakyd, *i.e.* vomitted. See *O.E.D. sub voce*.

dyvers persons with hym, wiche went accordyng to the costome ther usyd. And when evynsong was done, the sayd Henry and others went unto one Gorrelles house, and drank a peneworth of aill, and Master Wombwell, Rauf Metcalfe and Elesabeth Grene rode home as sone as evynsong was done. And afterward the sayd Henry and the sayd Upton and one Edward Lee rode to Wombwell. And the sayd Upton set up the horse, and, when he came into the parlour, the sayd Henry and Katerin hys wyff wer set at a table in the parlour, the one of the one syde and the other of the other syde therof; and they had ij cuppez with aill as thei were accostomyd to have; and the sayd Upton ete met with other servauntes wych sat at a nother table in the sayd parlour. And after the sayd Katerin rose, and walkyde in the said parlour, and, when the sayd Henry tok the cupe and dranke, the sayd Katerin went fourth of the parlour dore, and then the sayd Henry rose and lenyd in a wyndow, and after the sayd Henry went into theall, and the sayd Upton foloyd hym, and askyd hym how he dyd. And he sayd that Elesabeth Grene had gyvyn hym a cupe of aill, and he was affrayed that he was poysynyd. And anon the sayd Henry began to p'brake, and p'brakyd twys, and the sayd Upton helde hys hede. And ther after the sayd Henry saw Rauff Metcalfe cum furth of the parlour, and sayd to hym, Rauff, I pray the gyffe me some drynk, for Elasabeth Grene hayth gyvyn me drynk, and I wyl no mor at her hande. And the sayd Rauff sayd, Mary, Ser, I gave you no drynke toneyght. And then the sayd Katerin came agayn, and sayd that she had p'brakyde to, and she layd wyt¹ of a calves hede wych she had etyn the same day at Nycclas Gorrelles; and then the sayd Henry went to hys bede, and thys deponent with hym. And then the sayd Henry sayd that he was poysyned. And Upton sayd, Ser, if ought come to you, I shall shew it. And Henry sayd, I pray tell yt to Ser Rycharde Tempest, for he had helpyd me and the sayd Upton [*sic*]. And of Monday the sayd Henry rose agayn, bot as sone as he was up he was so seke that he went to bed agayn, and never rastyd after to he was dayd. And ferther Upton sayth that women wych wound the sayd Henry causyd the sayd Upton, when the sayd Henry was dede, to fech a grene sode, and cut it in iiij peces, and one was lade of his herte and under ether harme an other pece, and after ward thei wound hym in ij shettes they buryd hym by x of the klok of the sayd Twysday wych he dyed. And ferther he sayth that the sayd Katerin askyd this deponent how he dyd, and shyftyd hym to and the sayd Elesabeth Grene

¹ Wyt=blame. A.S.

tysyd hym to come home befor that tyme; and when he was seke, she set of the bedsyde by hym, and this twysse.

The depositytyon of John More of Wombwell, tenaunte unto the seyde Henry at his commaundement of thage of lvj yeres.

He saithe that at the desyer of the seide Henry he made dyverce billes of the receyte of the rentes of the seide Henry; and the seide Kateryn send one Husteler to hym, and commaundyd hym that he shuld make no mo suche; and ferther did send this deponente worde by one Lumby, hys servaunte, that she wolde do hym a dyspleasure. About vij of the cloke at after none of Ester day or ther aboute, Upton came unto hym, and sayd his master was very seke; and he askyd hym what he alyd; and he sayd that his master sayd that Elyzabethe Grene had yeven hym a cup with ale, and he was feryd that he was posynynd. And of Munday after the seyde Upton seyde his master was seke, and the seyde Moure was desyerus to se hym, and send to the seide Kateryn to desyer hyr that he myghte come and se hys master, and she sende hym worde that he shuld not come ther. And on Tewysday he came thether, and wente into the chamber, and askyd hym how he dyd. And he seyde I am gone gone downe downe up up. Afterward this deponente wente unto Ser Richard Tempest, and shewyd hym that his master was seke, and he askyd hym what he alid; and he sayd that his servauntes sayd that he was posynynd, and desyeryd hym to pray for hym, for he shuld never se hym. And whan the seide Moure came home, the seide Henry was caryng to the churche, and as yt was sayd soddes was lede on hym, and wyndyd in two shetes. And ferther he saythe that the seide Kateryn of Munday, whan he was seke, sende for his gere, evydens and other thynges.

The depositytyon of Christofer Husteler, householde servaunte unto Henry Wombwell of thage of lx yeres.

He sayth that at London, when the seide Henry had dyspached his besynes, Ser Rychard Tempest advysyd hym to go home, and he said that he durste not. He askyd why; and he aunsweryd that he was feryd to be pusynynd. And Ser Richard askyd, by whome? And he aunsweryd amonges theym. And then Ser Rychard seyde, Go to your frendes, and cum not amonges them, or els come to me, and I shall gyf you your borde. And this ys all that he knowythe, for at the tyme of his dethe he was wythe his wyfe at Bylburgh of the hill besyde Tadcaster. And further he saythe that he never wente no message to the seide Elyzabethe to come to his seide master, albeyt that one tyme he saw hyr ther, but he never spake wythe

hyr, and never knewe that his master never lovyd hyr ne favorid hyr.

Edward Lee, household servaunte to Henry Wombwell, of thage of lx yeres, sayd that he hard hym never say that any man nor woman shuld shortyn his lyfe, albeyt that in a garden at Westmonaster he hard hym say to Ser Rychard Tempeste that he was feryd to be posynynd, and Ser Rychard bade hym go to his frendes, and the seid Henry namyd no person.

Deposytyons takyn at Wakefeld, vij June 24 Henry VIII.

Wylliam Morwood of Wombwell of thage of iiij^{xx} yeres and more, saythe that he sende to Wollow Hall on Wedynsdays in Ester weke at after none, and then and thare met wyth Masteres Wombwell, and askyd hyr how Master Wombwell dyd. And she aunsweryd that he was sore seke; and he askyd hyr what he alid, and she sayd that he had etyn of a calfeshed, and that he was posynynd therwythe. And after the seid Marwood went into the chamber where the seid Henry ley, and askyd hym how he dyd, And he sayd, Done, done, done. And of the neght after the seid Henry dyed. And ferther he saythe he supposithe that he dyed of a surfet, but what yt was he knowythe not.

John Taillor of Wombwell, of thage of lvij yeres and more, saythe that of Ester Munday he rode furthe of the towne of Wombwell, and came home agayn of Weddynsday at neight, and so he was not with the seid Henry duryng his sekenes, and he knowythe nothyng consernyng the dethe of the seid Henry, albeit he hathe hard the seyde Upton and Stansfeld reporte as they have deposyd. He dynyd with the seid Henry bothe of Shyre Thuresday and of Good Fryday, and at that tyme he was in good helthe.

John Bradley of Wombwell, of the age of xl yeres, deposithe that of Esters day at after none the seid Henry Wombwell and other came into his house, and ther dranke, and at that tyme he herde hym speke nether of sekenes ne helthe; and then Bradley departyd, and wente thens to Derfeld; and this ys all that he knowythe heryn.

Thomas Kytson of Mexburgh of the age of l. . . yeres or ther aboute, sayth that the seid Henry was at burd at his house two yeres or there aboutes, and that a neyghbourgh seid unto hym that he shulde be hurte yf he put not Master Wombwell away; and after he shewyd his wyfe thereof, and she s[h]ewyd Master Wombwell thereof. Albeit he saithe he hard no more thereof, and that Wombwell was wyth hym vj wekes after, and unto suche tyme as he went of his owne frewill to Wombwell to his own house. Ferther he sayth that Elizabethe

Grene came thre or foure tymes to his house, and drank wythe hym, and made merye in honest maner, and never otherways.

Christofer Inghland of Wombwell, of the age of 1 yeres, can say nothyng consernyng the dethe of Henry Wombwell, but that he hathe herd Stanfeld, Shepard and Upton say as they have before deposid.

Nicholas Gorrell of Derfeld of the age of xlv yeres, saythe that Henry Wombwell dynyd in his house of Ester evyn, and of Ester day came to his house to brakefaste, and what he ete ther he knowythe [not?], for he was at the church taking his reygthes, and at after none he came to evynsong, and after that he never saye hym. (*Ibid.*, Bundle xxxiv, no. 44.)

Commission (5 November 25 Henry VIII) directed to Cuthbert, Bishop of Durham, and the King's other commissioners in the northern parts appointed [? to hear and determine] for all causes, matters and complaints moved or to be moved before them, authorizing them to examine upon oath certain witnesses to be produced before them by Robert Normanville¹ upon the articles therewith inclosed, and to send the result in writing to the King and Council at Westminster in the Quinzaine of Hilary then next coming.

Filed with this are two sets of interrogatories, (1) on behalf of Thomas and Robert Metham,² and (2) to be ministered to the witnesses of Robert Normavyle against Thomas and Robert Metham and other persons within-named.

Examinations made at York before [? the King's] Coun-
cillors, 8 December 25 Henry VIII.

John Harwodd of Braken, co. York, aged, examined upon (2) saith that he did se the said Thomas Metham and ij of his servantes, whos names he knoweth not, with iij other husbandmen standinge afore the gates of the manor of Kylne-

¹ Robert Normanville. The Normanvilles were an ancient Yorkshire family seated at Kilnwick and Little Houghton. In the Fines of Easter Term, 1541, Robert Normanville and Agnes, his wife, were deforciants, and Robert Metham plaintiff, concerning 30 messuages and lands in Swinton, Wardmarch, Masham, and Newton; and in Michaelmas, 1543, Robert Normanville and Agnes, his wife, settled by Fine the manor of Kildwick on Thomas Normanville, their son and heir.

² Thomas and Robert Metham. The Methams of Barnhill were a younger branch of the Methams of Metham. There is a pedigree in the *Visitation of Yorkshire in 1584-5*, p. 106. See *Yorkshire Star Chamber Proceedings*, i, 58, note.

wike betwix one and ij of the cloke apon the Monday in Whitsunday weke last past, unto whom the said Normanvile did come, but for what intent the said men ther stode he knoweth not; parte of them had swerdes and other parte of them had stanes. (The interrogatory names the men as Thomas Eliott, Herry Hotchekynson and William Burton, all of Kylnewyke, yeomen, with others not specified.) Shortly after that Normanvile and Metham came together, and Metham did strike with a wood knyff, and Normanvile with a swerd; at last Normanvile fell to the ground, and was sore hurte; and when he was lienge on ground, one Thomas, servant to the said Metham, did strike him on his legges; but which of them began the affrey he knoweth not. The displesure began for a distresse that Thomas Metham toke of the tenauntes of Kylnewike for there fermes, which Normanvile commaunded before they shuld not pay unto the said Metham. He hard Robert Hog, then the constable of Kylnewike, commaunde Metham and his company to kepe the Kinges pease; and so Metham departed to his house. He knoweth not the yerely valewe of the manor of Kylnewike.

Examined upon (1) he saith the cattell impownded by Thomas Metham was of the tenaunts of Kylnewike, part belonging to this deponent.

Edmunde Raley of Kilnewike, aged xxxviij (in addition) saith [to (2)] that Metham stode with v or vj of his servantes, and Normanvile had viij persons with him, and the two parties smote at each other. Metham's men drove the constable and other persons present at the affray into the churchyard of Kilnwike, and there they were kepyd by the space of iiij hoores, but whether Metham knew that Hog was the Kinges constable he knoweth not.

Robert Hoge of Kilnewike, aged xxvj, [to (2)] saith that, after the affray, Metham with ij servants stode beside the church-garth stile, where this deponent commaunded them in the Kinges name to kepe the peax; whereupon Metham departed and went home. [To (1)] he saith this deponent has been by reason of this affray indited of ryot, and is lyke to be undone for ever.

John Lofte of Kylnwike, aged 21, [to (2)] saith he knoweth not the yerely valewe of the manor, for he hath not dwelt there a yere. The cattell was impownded by the said Metham in his house.

John West of Kylnwike aged 3[o ?] [to (2)] saith that Normanvile came to Metham standinge before the gates, and viij

tenants came with the said Metham [*sic*] by his commaundement, for their goodes, to re-deliver the said distres accordinge to lawe, which he denyed.

William Walker of Kynlwike, aged xxxiiij, makes a like statement. (*Ibid.*, Bundle xxxiv, no. 19.)

56

HERTLEY *v.* LUTYE AND OTHERS.

To the Kynge oure soueraigne Lorde.

c. 1535

In most lamentable wise compleyneth unto your highnes your dayly oratour and faithfull subjecte Mathewe Hertley¹ of your cite of Yorke, that where as your oratour, beyng in his owyn howse in Goddys peace and your, within the sayed citee, entendyng no bodyly harme to any person, unto the tenth daye of Octobre in the xxvjth yere of your most noble reigne, that oon Bryan Lutye of the sayed citee, notary, accompayned with ym John Wrichte, Mathewe Faceby of the sayed citee, yemen, and other riotous persons ryotously made assaulte and affraye of your sayed oratour in his owyn house, and hym then and there sore wounded and hurte; and also, most drad soueraigne lorde, slewe and kylded a dogge of your sayed subjecte that kept his house, in most cruell wise; and other hurtes and harmys to your sayed subjecte hath commytted and done, to the utter undoyng of your sayed subjecte for ever, and contrary to your lawes and statutes therof made. In consideration wherof [etc.]. (*Ibid.*, Bundle xxxii, no. 51.)

57

WRYNE *v.* SKARGILL AND OTHERS.

To the Kyng our soverayn Lorde and the Lordes of his moste honourable counsaill.²

1531

In moste humble wyse complayneth unto your highnes your oratour Raphe Wryne that, wher as oon Robert Skargill, Knighte,³ made a leace to oon Robert Isakson of a close in

¹ Matthew Hertley. There was a man of this name a chamberlain of York in 1536-7.

² Bill in duplicate.

³ Sir Robert Skargill was of the family of Scargill of Thorp Stapleton, near Leeds. He married Joan, daughter of was son of William Skargill, Esq., by his wife, Dorothy, daughter of Sir Thomas Coniers. Administration of his goods was granted 31 May, 1531. There is a tomb over his and his wife, Joan's, grave in the Scargill chapel in Whitkirk church, of which there is an engraving in Thoresby's *Ducatus*. Her will is dated 5 Jan., 1546, and probate 24 Jan. of the same year. See *Test. Ebor.*

Leede, in your countie of Yorke, for terme of certayn yeres, whiche yet continuethe, and the said Isakson made a leace over to your oratour of the same duryng all the same terme, by vertue wherof your oratour occupiede the same close, and the said Sir Robert hym interrupted. Wherupon complaint was made unto the Duc of Richmunte¹; and his counsaill, being the Kinges commissioners yn those parties, whiche callyng boothe the parties afore thaym, and, upon full and deliberate examynacion of the matier, commaunded the said Sir Robert to suffre the said Robert Isakson and his assignes peasible to occupie and enjoye the said close, All which notwithstanding, oon Christofer Skargyll, Thomas Rawson, William Wroo, William Wynde, William Chapman and Robert Harpyn, servauntes of the said Sir Robert, accompanied with divers other riotouse and evill disposede persones to the nombre of viij, whose names to your oratour be unknowen, yn maner of warr arraiede, that is to wytte with swordes, buklers, long pykked staves, daggars and other defensible and ynvasive wepyns, the xj day of July laste paste at Leede aforesaid, by expresse commaundmente, mayntenaunce and supportacion of the said [Sir] Robert, yn riotouse wise assemblede theymselves togeders yn oon rowte and company to the greate feare and inquetyng of your people and subgiettes and yn disturbaunce of your pease, and then and there riotouslie with force brake and entrede ynto the said close, and upon one Sir Cristofer Bolton, preste, and Rowland Dyconson, servauntes of your said oratour, then beyng withyn the same close, made an heynouse assaute and frey, and theym wolde haue beaton, wounded and evill entreatid, but that they were glad to avoide and departe, for salf garde of their lyves. And then the said riotouse persons with force and armes not oonly toke and cariede away from thens a carte lode of hey of the goodes and catalles of your oratour, to the valour of vjs. viij*d.*, but also with their cartes, bestes and catell departed, defoured [?] and distroyede the gresse of your orator withyn the same close to the valour of xls. and above; and over that, daily manace and threaten your oratours pooer servauntes to beate, mayme and evill entrete, so that for feare therof they darnot applie your orators lawful besnas yn those parties, not onely to his grete hurte and hinderaunce, but also to the perilous example and boldnes [etc.]. And forsomoche as the said Sir Robert is a gentilman of grete landes, kynred, and

¹ The Duke of Richmond was the king's natural son, Henry Fitzroy, Duke of Richmond and Somerset, who at this time presided over the Council of the North. For a full account of him see *The Camden Miscellany*, iii.

frendes withyn the contrey aforesaid, and is of suche wilfull and riotous disposicion, and forthe moste part abyding yn Lancashire and Cheshire, owte of the jurisdiccion of the said commyssioners, so that he litle regardethe or ferithe their order or commaundment, your orator is like to lose his rightfull profiettes of the said close and his pooer servauntes like to be beton and maymed without your gracioux remedie and help in that behalf. In tender consideracion whereof [etc.].

Sir Robert answers that the matter, if true (which it is not), is determinable at the common law. He is not guilty of any riot, assault, unlawful assembly or commandment, or other act surmitted to be done by him against the King's peace.

Cristofer Skargyll, Thomas Rauson, William Wroo and William Chapman answer in exactly the same manner.

Writ (*in Latin*) dated 19 October 22 Henry VIII, to the Prior of Pomfret and William Hungate, esquire. Sir Robert Skargill was summoned to appear before the King and Council at Westminster, to make his answer to the petition of Ralph Wryne, but the King understands he is in such bad health that he cannot make the journey to Westminster without great physical danger. The Prior and Hungate are therefore commissioned diligently to examine the said Sir Robert, and take his answer, and put it into writing for the information of the King and Council. They are to wait upon Sir Robert, if he cannot conveniently come to them, and diligently examine him upon his oath taken in their presence upon the Gospels.

[Endorsed:] The execution of this writ appears in a schedule to the same annexed.

Interrogatories and the answers thereto (on 3 sheets of paper):

Cristofer Skergill, aged 50, says his master, Sir Robert Skargill commanded him to take 3 persons with him, to attend upon two wains, and to fetch away certain hay in a close called Horny Close. He carried a hunting staff, and the others iron forks and rakes.

In answer to the question whether any one in the complainant's name had tendered the rent to the defendant, he says that one Sir Cristofer Bolton and one Pikering hath so tendered and proffered the rent, this deponent being present, once in Haselwood Parke, and the other time in Haberforth town.

When they came to the close Bolton and Pikeryng came in peaceable wise, and desired them to depart; this deponent required the priest to go to his master, to have answer of him;

and he so did, and so had an answer; but what it was this deponent heard not nor can tell.

This deponent was at the said close but once; certain others were there twice, how many he cannot tell.

His master gave him no order what to do, if they were denied to take away the hay, for he knew no person that would or ought to resist them.

Thomas Rauson, aged 40, says they were accompanied by William Chapman and a lad called William Norfolk *alias* Lawrence. He was there twice, the second time with John Hudson and Henry

William Chapman, aged 16, and William Wroo, aged 60, depose to like effect. (*Ibid.*, Bundle xxxii, no. 75.)

58

KNEVYTT *v.* GRENE AND OTHERS.

c. 1542

To the Kyng our soueraign Lord.

In moost humble wise shewith unto your moost royall Magesty your true and faithfull subject William Knevytt, serjant, porter¹ to your Highnes, that, where your oratour and Dame Kateryn his wife, late wife to Sir Walter Strykland, knyght² decessid, be sesid in ther demesne as of fee, as in right of the said Kateryn, emong other landes and tenementes of a close of land callid Paradise in Thornton Brygges,³ co. York, so yt is that one John Crowe, servante unto your said oratour, the xxvjth daye of the monyth of June this present xxxvth yere of your moost noble reyne or therabout, being in Goddes peace and yours at the said close, [not] meanyng nor intendyng any yll or hurt to any person, one Thomas Grene, John Walker, Rauff Langskar, persons of froward disposicion, and roytously arreyd, that is to saye with swerdes, bucklers, daggers, staves and other wepyns invasyve, roytously and agayn your peace upon the said John Crowe made assault, and hym bete and

¹ See note on p. 54 *ante*.

² Katherine, "late wife to Sir Walter Strickland," was, we learn, "one of the daughters and heirs of Ralph Nevill, of Thornton Brigge, Esquire, and of Ann his wife, one of the daughters and heirs of Christopher Ward, Kt." See *Yorkshire Fines*, Mich. Term, 1526, p. 47, and Mich. Term, 1528, p. 53. She married, secondly, Henry Borough, Esq., as appears by the Fine dated Mich. Term, 1528. See *ibid.*, p. 53. In Mich. Term, 1533, she reappears as wife of her third husband, William Knyvet, Esq. See *ibid.*, p. 65. In a Fine dated Trinity Term, 1537, she is described as "Lady Katherine Borough, widow," but her third husband, Knyvett, seems to have been still living at that time.

³ Thornton Bryges, *i.e.* Thornton-Bridge, a township in the parish of Brafferton, eight miles from Ripon.

wondyd upon the hedde grevously, in such wyse that he was and is in grete daunger and jepardy of his lyfe, and then and ther roytously and forcebly, and as felons, by force toke from hym a ferytt and xx^{ti} cople of rabbettes of your oratours, which the said John with thassent of hys master had takyn upon the said parcell of land, and also his dagger and other thinges, which they wrongfully ever sythen haue kept, agayn all right, justice and equite; and so use them selffes that the said John Crowe darr not resort unto the said close, to oversee the same for the profytt and advantage of his said master, for feare and daunger of bodily hurt, to the yll example [etc.]. Which roytous persons arr so borne and maynteyned in ther yll doying in the said countie of Yeork, that your oratour can have noe redresse nor reformation in the same counte. And forasmuch as your said orator, by reson of his said office, is bound to gyve his attendance to your Magesty, according to his most bounden duety, and can not make his abode in the said counte of Yeork, nor can have ther any indyfferent tryell, yt maye please your Magesty to graunt your moost gracious wryttes of *sub pena* [etc.]. (*Ibid.*, Bundle xxxii, no. 78.)

To the Kyng our soveraigne.

Humbly compleyneth unto your excellent Highnes your true and feithfull subgiett and daily orator John Sudibye that, whereas your said subgiett was in Goddes peax and youres, Soveraigne, at Thorn in Holdernes in your countie of Yorke, the xx^{ti} day of September in this present xxiiiij^{ti} yere of your reigne, one William Tomson of Thorn forseid, of a malyce prepensed, accompayned with Richard Franke, Richard Hardlok and Peter Clerke of Thorn forsed, and with viij or ix other ryottous, lewed and evill disposed persons to your seid subgiett unknowen, with force and armes, that is to say with swerdes, buklers, billes, chubbes and stafes at Thorne forseid ryottously made assaute, and affraye apon your seid subgiet, and hym than and ther sore hurt, wounded, beat and evyll intreated, and put hym in great feare and jupardie of his lyfe, and had wilfully, shamefully and cowardly murderd and slayn hym, he being ther all alone, without the compayny of any other person, yf God and well disposed people that had knowlege of their evill intent and purpose had not the soner come to helpe, rescowe

and socour your seid subgiett. And they do yet daily manesse and threte your seid subgiett, that he darr not goo abroad for feare to be murdred and slayn or mahymed, and utterly undone and cast away by the seid ryottous persons. Which be all clerely contrary to your peax and lawes, and to the perilous example, etc. Might it therfore please your Rioll Highnes of your most aboundaunt grace to graunte a wryte of suppenay [etc.]. (*Ibid.*, Bundle xxxii, no. 127.)

60

JACKSON *v.* GRYFFYTH.

To our most dread soueraign Lorde the Kinge.

In most humble and lamentable wise compleyneth unto your most excellent Maiestie your trew, naturall and obedient subiecte Edward Jackson of Hakingthorpe in the parishe of Beighton in your countie of Derby, (setting forth how one Edward Gryffyth, citizen and haberdasher of London, travelled specially down to Derby for the assizes held there 17 Sept. last, when an action for debt was tried between William Taylor and one Isabel Barker, widow and executrix of one John Barker; after the verdict was given Griffith spoke slanderous words in the High Street of the jury, being near neighbours and friends of complainant, and men never detected of any notable crime. Jackson remonstrated, and was thereupon attacked by Griffith, and by John Kytchyng, Thomas Howtrem, Robert Afferton, Walter Wersoppe and Robert Swyfte, for which riot they were indicted at the next sessions of the peace at Derby). Moreover, the said misdemeanants, intending to prosecute their malicious mynde and purpose toward your said subject, heryng say that he frequented and used to cary grayne wekeley unto the markett towne of Sheffeld in your countie of Yorke, did on the xxij day of September last paste in moste ryotouse maner repaire thither, and than and ther did assault your said subject, putting him in great danger and feare of his lief. And not thus contented, but myndyng the playne distruction of your said subject, on the xxvjth day of September last, they repaired with force and armes to chesterfeild, a markett towne in countie Derby, and ther fyndyng your said subject did unlawfully make affreye and assault upon him, very lyke to have put him in daunger of dethe, if he had not bene releved and rescowed by thinhabytauntes of chesterfeild; to the evill example [etc.]. In consideration whereof [etc.].

The defendants (in their attached answer) deny any riot or assault. (*Ibid.*, Bundle xxxii, no. 92.)

61 PROCTOR AND HALTON *v.* EARL OF CUMBERLAND
AND OTHERS.

To the Kynge our most drede soveraigne Lorde.

In most humble wise shewith unto your most Ryall Maiestie your most humble and obedyent pore subjectes Gabryell Proctor, Thomas Proctor¹ and Thomas Halton that, where one Roger, late Abbot of Furneys² yn your countie of Lancaster, and the covent of the same place by their dede under their seall about vij yeres past, graunted unto the said Gabriell thoffice of Baylywyke and Receyvor of alle their landes [etc.] yn Wynterborne,³ and made hym keper of their woodes there and in other townes there; and where one Alexander Bankes, late Abbot of the said monastery, about xxij yeres past demysed a certeyne tenement and land thereto belonging yn Wynterborne to the said Thomas Halton, yelding yerely for the same xxs. sterling; and where the said late Abbot Roger, about vij yeres past, demised unto the said Thomas Proctor a certeyne ferme in Wynterborne called Copercote for the terme of lxj yeres (wherof lvj are yet to come); and where the said Gabriell is lawfully possessed of twoo mylles, and of alle the bonys and farme corne of the said lordship of Wynterborne by the said leasse for the terme of lxj yeres (whereof lvj yeres are yet to come)—so yt is that the right honorable Henry, Erle of Comberland, a man of grete pore and might in thos parties, about two yeres last past hath not only forcybly expulsed the said Gabriell Proctor from his said office and from the saide bones and ferme corne, and kepte him from the same to his greate losse and damages, but doth also dayly vex and trouble the said Thomas Halton for his said ferme, by forcible distresses, and otherwise willing to have of him xls. by the yere for the same, where the due rente therof is but xxs. by yere, so that the saide Halton canot occupie his saide ferme quyetely; and also dayly vexith the said Thomas Proctor for his saide ferme holde, for that he will not paye yerely to hym the rente due to your Highnes for the same, which he hath yerely payed to your most Ryall Maiestie as right and equitie requyereth. The Erle and his servauntes toke oute of the house and ferme of the said Gabriell, with force and armes, and in reytous maner, xxxiiij bestes of the saide Gabriell, and in lyke maner xiiij bestes of the said Thomas Proctor's, and six

¹ See *Procter v. Blackborne and Others*, p. 52, *ante*.

² Abbot of Furness, Roger Pele or Pyle. See p. 52.

³ Winterborne, *i.e.* Winterburne, in the township of Flasby-with-Winterburne and parish of Gargrave, seven miles from Skipton.

oxen of the said Thomas Halton, and them drove forth out of your most gracious lordship of Wynterborne to his castell of Skipton, and there in his parke dyd holde them the space of viij dayes and more, and not [*sic*] obeye your gracious replevyn. By reason wherof your saide subjectes were not able to manure their laundes, but lost moch of their proffittes thereof. All whiche saide wronges, ryottes, hurtes and oppressions the said Erle dayly doth to your said pore subjectes by collor of a pretended and mysconvayed untrue leasse, which the said Erle supposith to have of the saide late monastery of Furneis of your manor of Wynterborne, Heetton,¹ Flasby and Assheton,² lately belonging to the said monastery of Furneis, where, of truethe, the same surmysed leasse ys untrue and of none effecte yn your lawes, for that that yt was fraudulently conveyed in forme as hereafter ensuyth, that ys to wyt one Dom Hugh Browne, late monk of the said late monastery in tyme of vacation after the decease of one Alexander Bankes, late Abbot,³ brake up a certeyne chest in the said monastery, wherin the covent seall dyd remayne, and toke and sealed therwith vij blankes, wherof the said surmysed leasse of the said Erle ys one, in the which the said Erle caused to be wrytten a pretencied leasse of the manor and lordship above wrytten for terme of iiij^{xx} yeres to hym to be made by the said Alexander, late Abbot, and the covent, which Alexander was deceased longe tyme before the writing and sealing of the same; in which fayned leasse is reserved but only xlii. rent by yere, where the olde accustomed rent therof hath bene over ljlj. tyme out of mynde. So that your Maiestie by the said pretencyd leasse sholde lose xjlj. rent by yere. And also the said Erle had never possession ne occupacion of the said manor untill after the dissolucion and suppression of the said late monastery. When, sythen the said dissolution, your Grace's vysytors, Doctor Layton and Doctor Liegh, came into the said parties about your affarres, accordyng to their comyssion, the said Erle made suete to them, and offered large money to have had the saide fayned leasse to have bene confirmed; or elles to have had a newe leasse after the contentes of the saide fayned leasse. Wherupon your saide visytors examyned the late Abbot and covent of the said fayned leasse,

¹ Heetton, *i.e.* Hetton, in the parish of Burnsall, six miles from Skipton.

² Assheton, *i.e.* Eshton, in the parish of Gargrave, five miles from Skipton.

³ Alexander Bankes, abbot of Furness. In 1516 a decree was made in the Apostolic Chamber at Rome on behalf of John Dalton, abbot of Furness, and certain monks (named), who had been thrown into prison by Alexander Bankes during the progress of a suit touching his rights to the monastery. See *Letters and Papers, Henry VIII*, vol. ii, pt. ii, *Appendix* 20.

whoo all denyed utterly that any such leasse was graunted by them, except only the said Dom Hugh. Which Dom Hugh uppon lyke examynacion dyd after confesse the mater above rehersed, and that the said fayned leasse was one of the said blankes. Wherupon the saide vysytors committed the said Dom Hugh to warde, where he remayned in pryson by a great [while]. Whiche said fayned leasse was confessed to be a blanke, as afore ys saide, by the late Abbot and covent upon a lyke examynacion before Mr. Holcroft and Mr. Assheton, your Graces audytors, when they all (except the said Dom Hugh) confessed the same lease to be misconveyed and untrue. In consideration wherof they beg a writing under the privy seal, or otherwise, to be directed to the said Erle [etc.]. (*Ibid.*, Bundle xxxii, no. 155.)

To the Kyng our sovereign Lorde.

1536 In his most lamentable wysse compleynyth unto your most excellent highnes your pore faythfull subjecte John Harpam that, where as your pore orator, havynge a wyffe and grett charge of chyldren, and verrey small soccour and relieff to eyde and assist his sayd wyffe and chyldren, but onely suche guddes as he doth dayly labor for and geytt with his handes labor, your pore orator beyng about hys labor and busynes in Goddes peace and yours, intendyng no hurt to any maner of person, and his wyffe and chyldren beyng in his dwellyng howsse at Gylthwaytt¹ in your countie of York, about suche necessarye labor and busynes as was lawfull and convenient for them to doo, one Rychard Parker, yoman, William Westall, James Redeman, John Robynson, John Thomeson, Richard Warde, James Whadshaw and Thomas Wryght, with diverse other riotousse and evyll disposyd persons with theym assembled to the nowmber of sex, the names of whome to your sayd orator be unknowen, by the assent and procurement of the sayd Rychard Parker and William Westall the xxijth day of February in the xxvijth yere [1536] of your most noble reign riotously and in a forcibly maner, with swordes, bucklers, staves, bylles, bowes, arrowes and other diverse wepyns invasable, dyd come to Gylthwaytt aforsayd and there into your orator's housse forciably did entre and breke, and the wyffe of your

¹ Gylthwaytt, *i.e.* Giltwaite, a hamlet in the township of Whiston and parishes of Whiston and Rotherham, two miles from Rotherham.

sayd orator, then grett with chyld, dyd sore mannasse, bette and evil intrett, by reson wherof she was so affrayd and hurt that she was in grett perell and daunger of her lyffe. And also the sayd riotousse persons the wyffe and chyldren of your sayd orator and all other his movable guddes and howssehold stuffe dyd cast forth of the sayd howsse into the Hygh Strett; and yett, of ther malicousse myndes, and for the grett hattred and malice that they doo owe and bere unto your pore orator, not content therwith they dyd serche and seche every privey place and corner within the sayd housse for your sayd orator, to thentent that, yf they myght have founde hym in the sayd howsse, to have kylled, slayn or mured hym. And ever syns they have thretyned and yett dayly doyth threaten and manasse your pore orator to bett, mayhem or kyll, so that for drede of mayhymyng or beytyng, your pore orator dare nott go abowtt his labor and busynes, wyche ys to his grett hurt and utter undoyng, and perilous example [etc.]. In consideracion wherof [etc.].

[signed] West.

(*Ibid.*, Bundle xxxiii, no. 8.)

63 JETOR AND OTHERS *v.* MAYOR AND ALDERMEN
OF HULL.

To our sovereyn Lord the Kyng.

1533

In most humble wyse shewith unto your Highnes your dayly orators and true lyegemen John Jetor, John Colby, Robert Hoddes thelder, John Godderd, Robert Hoddes the yongar, John Gray and all other the poor inhabytants of the townesheps of Lowestoft and Pakefeld in the county of Suffolk,¹ that, wher your sayd orators, dwellyng upon the Costes of the See, have used to convey thur heryng and other vytallis by the see unto the Towne of Hulle in the County of Yorke, ther to make sale and utterans of the same, as other your subgettes dayly use and of long tyme have used to doo without lett or interrupcion, Soo yt ys, Sovereyn Lord, that the Meyre and Aldermen of the said Towne of Hulle, of thur covetous myndes

¹ A similar complaint was brought against the Hull authority in 1516-7 by a person dwelling in the same town of Pakefield, in Suffolk, situate two miles south of Lowestoft. In both these cases the "full herrings," *i.e.* those charged with roe, were expected to pay 2s. 4d. for every last. See *Star Chamber Proceedings*, ii, 40.

and extort power ayens all right and conscyens, have now of late compellyd your sayd poor supplyantes to pay for every last of heryng brought by them into the sayd Towne ijs. iiij*d*. And, wher your sayd orators many tymes wuld sell and uttre thur sayd wares owt of their Shippes, the sayd Mayre and Aldermen wull not suffre them soo to doo, but compell them to hyer thur Shoppes withyn the sayd Towne, and ther to ley thur sayd heryng and wares, before they canne be suffred to make any sale of the same. And whan your orators have so provyded them of thur sayd Shoppes, the sayd Mayre and Aldermen would not suffre them to open ye wyndous of the same Shoppes, tyll your sayd orators haue payd to the sayd Mayre and Aldermen x*d*. for every of thur sayd Shoppes over and besyde such price as ys agreed bytwyn your said orators and the owners of the same Shoppes. And, yf any of your orators doo refuse to pay any of the sayd exacciones, the sayd Mayre and Aldermen wyll not suffre them to sell ne uttre any of thur sayd heryng or wares withyn the sayd Towne, contrary to many good statutes and lawes in that behalf made and provyded, by reason wherof your sayd orators be dayly accombred and charged, with the sayd exaccions in such wyse that, yf spedy remedy be not provyded in that behalf they shalbe compellyd to leve their occupyeng uppon the see to thur utter undoyng for ever. In concyderacion whereof yt may pleas your highnes to award your gracious lettres of privy seale to be dyrectyd to the sayd Mayre and certen of the Aldermen, commandyng them to appere personally before your Highnes and your most honorable councell [etc.], and that such indyfferent ordre may be takyn in this behalf that your supplyants may have free liberty to uttre and sell thur sayd wares aswell withyn thur sayd shippis as without, freely without¹ accordyng to your sayd statutes and lawes.

viiij July a^o xxv^{to}.

Forasmoche as the defendants have not sende theyr attorney auctorised by theyr common seale of the within named towne accordyng to theyr promise made afore the K's Counsaill the day above writen they have ordred that the sayd defendants shall content and pay to the complaynants whiche have folowed theyr complaint as it was commanded to them suche costes and charges as shalbe assessed and awarded at the day of theyr apparence appoynted by the K's p.s. directed to them for theyr apparence.

¹ Eaten away.

xxiiij November a^o xxv^{to}.

Forasmoche as the defendaunts within named upon an issue by theym taken afore the K's honorable Counsaill touchyng the cause herein specified have not sufficient auctorite by the wordes in the letter of attorney to theym made under the seale of the towne of Hulle, accordyng to the commaundment to theym geven by the said Counsaill to take finall end ne determination in the same case, It ys now continued, the costes considered for the delaies in that behalf used, upon truste of concorde, unto the xv of saint Hillary next commyng. At whiche day if non unite ne finall ende therin be had then the same defendants bryngyng with theym sufficient auctorite under the seale aforsaid after suche forme and effecte made and writen as they may stand to suche like ende or determination as the mayr and hole commonalte were here present. And thus to theym it ys commaunded upon payne of suche ponysshement that in defaulte therof may comme and ensue. (*Ibid.*, Bundle xxxiii, no. 27.)

64

MORTON *v.* COPLEY.

The aunswere of John Coppeley, esquier,¹ to the bill of compleynt of Walron Morton.

As to the compleint that Morton has hadde iiij prive seales directed unto Coppeley in tymes past, whiche the seid Coppeley shulde wyllfully dysobey, he saieth that att every day of the apparaunce in the seid prive seales Morton wolde nott appere onto the same, wherfore the seid Coppeley always haith be dismyssed by the lordes of your most discrete and honorable counsell for the non-apparaunce of the seid Walron Morton, to the greate vexacion, charge and cost of the seid John Coppeley. Where Morton surmytteth in his seid bill that Marmaduke de la Ryver shulde geve onto hym the Office of Baille and Keper of all his lyvelode within his lordeshippe of Brafferton, with yerely fees and wages of iiij*li.*, Coppeley saieth that one Thomas Askeham, late parson of Skelton within the countie of Yorke, was seised of the seid maner, and by his dede redy to be shewed gave the same maner onto one William de la Ryver and Elizabeth his wieff and to the heires of their bodyes begotyn, and for defaute of suche issue the remaynder therof to the right

¹ In connection with the manor of Brafferton and the family of Copley see *Yorkshire Star Chamber Proceedings*, vol. iii, no. lv, p. 133; vol. ii, no. lxxv, p. 166; and vol. i, no. xxxvii, p. 85.

heires of the seid William de la Ryver; wiche William and Elizabeth hadde issue Marmaduke de la Ryver, and died of that estate seasyd; after whoos deith the seid maner of Brafferton discended onto the seid Marmaduke as son and heir of the seid William and Elizabeth, wiche Marmaduke died thereof seasyd; after whos deith the seid maner discended unto the seid Thomas de la Ryver specified in the bill of compleint, as son and heir of the seid Marmaduke, wiche Thomas as yett is within age of xxj yere. And for as much as the seid maner was holden of William, late Erle of Notyngham, as of his maner of Thryske by knyghtes services, the seid late Erle seasyd the seid maner and the body of the seid Thomas as garden in chyvalrie, by the wiche seizer the seid office, yerely fees and wages graunted by the seid Marmaduke de la Ryver, if any suche were, is voyde and of non effecte in the law. And afterwardes the seid late Erle graunted the seid custodie onto one Sir Thomas Maulyverer, knyght, who solde the same onto one William Coppeley discessyd, whoos executour the seid John Coppeley now is. And where the seid Morton haith surmytted that he shulde purchase certeyn londis of the seid Marmaduke, and that the seid John Coppeley shulde wrongfully enter in to certeyn parcelles thereof, he saieth that the seid Thomas de la Ryver, after the deith of the seid Marmaduke his fader, sued a *formedon* in the *discender* ageyn the seid Morton for the seid londis, wiche accion is deferred for the non age of the seid Thomas, and so the seid Morton always contynueth his possession as tenaunt of the same without expulsion or puttyng owte by the seid John Coppeley or by any other for hym, without that that the seid John Coppeley wrongfully haith taken from him the seid office, or that any suche awarde or arbitrement was made that Coppeley shulde pay to the seid Morton the seid xxvli. xiijs. iiij*d.*, or that Coppeley ever promysed to pay the seid money or any parte thereof, or that he caused Morton to be indited of felonye, or to be arrayned and acquyte uppon the same, as in the seid bill of compleint is surmytted. (*Ibid.*, Bundle xxxiv, no. 7.)

To the Kyng our sovereign lord.

1534

'Humbly shewyth unto your Highnes your trewe and faythfull subject John Starkey that where he laufully was seased in his demeane as of fee of one mesuage xl acres of land xx acres of medowe lx acres of pasture xx acres of wood and xl acres

of more in Hyeghley¹ in the paryshe of Sheffeyld in the countye of Yorke, and so contynued by the space of foure yeres and more, unto the xth day of April in the xxv yere of your most noble reigne, at whyche day oon James Talyer of Heghlay, cutler, Thomas Clarke of Sheffield, yoman, Willyam Asshelay late of Sheyffeld, cutler, Robert Cam late of Heghlay, laborer, Robert Talyor, cuttler, and John Talyor the elder and younger, laborers, all of Heghlay, with dyverse other ryotouse persons to the nombre of xx^{ti}, to your orator unknowen, with force and armes, that ys to say wyth bylles, bowes, arrowes, pytcheforkes, axes and staves, at Heyghley in ryotouse manner theym selves assembled, and then and ther in ryottouse facyon entered into the premysses, and not only oon Richard Starkey, servant to your said subject then and ther beyng with force expelled out of the premysses, and with staves bett, hurtt and wounded the said Richard Starkey, soo that he was and yett ys in jeopardy of hys lyffe, but also ever sethen with force hath kept and occupied the premysses to the utter undoyng of your said subject, and to the evyll and perilous example of other lyke malefactors; in consideracion wherof [etc.].

James Taylor makes answer that he is not guilty of any such riot, forcible entry, etc.

Robert Came says that the complaint is not only vexatious, but brought to cloak and colour a great riot and forcible entry made by the complainant and other riotous persons into the said mease and other parcels of the premises, of which the complainant and others were lawfully indicted before the King's Justices of the Peace. For further answer he says that one Henry Came of Newark in co. Nottingham was seised of the premises in his demesne as of fee, and died thereof seised, after whose death they descended and came of right to this defendant, as cousin and heir of the said Henry, viz. son and heir of Edmund, son of John, brother of the aforesaid Henry. By force whereof he entered into the premises immediately after the death of the said Henry, as lawful was for him to do, without riot, or the beating of the said Richard Sterkey, etc.

Starkey replies that he has put in a traverse of the indictment referred to, and can prove it to be untrue; he re-affirms the statements of the bill, and denies that Henry Came was seised at the time of his death, etc.

Robert Came and James Tayllor rejoin, affirming the truth of all their statements, and the falsity of all those of the complainant. (*Ibid.*, Bundle xxxv, no. 35.)

¹ Hyeghley, or Heyghley, is, I suppose, Heeley, in the township of Nether-Hallam and parish of Sheffield, 1½ miles from Sheffield.

66¹ THE BAILIFFS AND BURGESSES OF RICHMOND
v. BOWES.

To the Kyng our Sovereign Lord.

In most h[umble wyse be]sechys your Highnes yower trew and faythfull subjectes the Baylyffes, Burgesses and Comynaltie of your towne [of Richmond in your countie] of York [that where one Richard Bo]wes esquier and Elizabeth his wyfe, in the right of the seyde Elizabeth,² being seased of the maner and with the wher of long tyme contraversye, stryffe and debate hayth beyn hade, styrryd and movyd betwixt the seyde thone partye [and the seyde] Richard Bowes and Elizabeth his wyffe and the tenauntes and inhabitauntes in the seyde towne of Aske³ of the other partye mettes and b[oundes of the] seyde townes of Richemond and Aske of and for the title of Commen, how and wher thenhabitauntes of the seyde towne aswell be [Cou]ncell of the right honorable Lord Duke of Richemond and Somerset in those parties assigned as the Councell assigned have joyntly theym diligently hard a gth. Where uppon as well by the good and deliberate advyce of the seyde Councell of the seyde parties a good and reasonable order was of late taken that the seyde parties by ther mutuall assent and agreement shall to your highnes for the opteynyng of a commyssyon under your greate seall to be directed to John Nevyll, knyght, Lord Laty[mer], Conyers, John Spelman, your serjaunt att your lawes, Humfrey Broun, serjaunt att your lawes, and William Babthorpe, esquier, aswell of the lymyttes, metes and boundes of the seide townes, and howe and where the tenentes and inhabitantes of the seide townes ought and Wherefore please your highe majestie, of your most charitable dysposicion to graunt and direct your seyde commyssion in due form

¹ The right-hand edge and another small portion have been eaten away.

² Richard Bowes, Esq., was son of Sir Ralph Bowes, of Streatham. He married Elizabeth, one of the two daughters and coheirs of Roger Aske of Aske. Anne Aske, the other sister, married Sir Ralph Bulmer. See *Yorkshire Deeds*, iii, 41, note. A Fine was passed in Michaelmas Term, 1534, between Richard Bowes, Esq., and Elizabeth, his wife, deforciants, and Sir Thomas Hylton, William Ingleby, Esq., George Bowes, Esq., Francis Norton, Esq., George Place, gent., and Christopher Wyvell, gent., concerning the manors of Aske, Gatenby, Dalton-Norres, Gales, Newsham and Whashton, and 40 messuages, with lands, in the same, and in Gilling near Richmond, Richmond, Newton-le-Willows, Scales, Carlton near Aldbrough, and Kirkby-Hill. See *Yorkshire Fines*, p. 68.

³ Aske is a township in the parish of Easby, two miles from Richmond.

above rehercyd. And your seyde most humble subjectes shall pray to God for the good preservacion of your most noble reign. (*Ibid.*, Bundle xxxv, no. 76.)

67

PETITION OF MONKS OF WHITBY.

[A bill on paper, of which part of the right-hand edge has been torn away.]

Most honorabyl lordes in our most humbly maner that we can we lowly pleasyd your gud lordshypys to be advertesyed that of late our Master abbot resauyd the Kynges labour and of certaine our brethren now cummyd up and the favor to the great pa his unwyldynes and [? onage] and to the power monastery great decay and distruction, which theys und[erwrytten] no consciens havynge ne caryng of no othys ne writynges that they with their adherentes hath w Erle of Northumberlande in tymys paste and [? prire] late callyng hym ther fowndar as it doyth a[mong] lettrez of ther awn handes writyng to the sayd Erle directyd. Now they be colorabyll meanys craftes pretending ther awn sensuall promotions, which your aprovyd wysdomez wyll persave in permittyng feays to diverse ther fautors carys not of the secret honour of our Religion ne of our Statutes of the universall well of this our power monastery, bot blyndly and ungodly covetyng the singull pleasor of usyd now makes this besenes to our gud father and master us and to his our power place, whose relacions [?] wretyn of our consciens and as we wyll answer befor the last examinacion of the feyrfull day we all heyr fo[r]stbyd whome they with ther unthryfty meanys hath alludyd acertaines your gudlordshyps they be only sayd and [?] inny and that is greate piete for the unthrifty promotions yf they can theym obteine, and so no of our souveraine lettrez they terriofyd theymsel inordinatly, sayng audiently they shuld rewill us repent the tyme that ever we wer bonr [*sic*], and to be deposyd of our rowmmys and offices and they to other infinite obprobres to no religious personez semyng. Of whose correccions if it wold please your gud to call our Ordinary Master Wythers now present at London, he wyll shew your lordshypys the unreligious and sympyll and lewyd myndes, and the ungodly orderyng of ther offices in these tymys. Wherfor the with the conseyll of our Master abbot after ther demerites punishyt theym accordyng to our Statutes and

Row Therfor they as woulfz in the vestment of lammez hath mayd us now this privy besenes, labour and great cost, of the which they nothyng cayr, so that they may enjoy ther sensualite, which is now to be spokyn. Wherfor at the instance of Cristes passion and all the holy Sainctes of heuyn, we all interily and pietiously desyre your gud lordshypys to be gud mediatours to the Kynges grace to be gud and graciuse souveraine to our Master and us and to this power place. And, as it shall please his gud grace with yow his nobyll conseyll to ordore the mater of fundacion, we shall als hartely be contentyd as his grace and yow wold we shuld be unfenyd withowt any flaterieng or fals closyng wordes. Therfor we als affecteously as we can thynk eftsones humbly besuch your gud lordshypes to be gud and favorabyll to our Master abbot and us, and to help to sped hym home and to Rewll his monkes after his Religion and Statutes; for, and your gudlordshypys perfectly knew, as wold to Jesu ye deyde, the misorderyng of certaine pore, yong and simpyl men, our brethren, whiche throw unthryfty boldnes and evyll example and great libertys of theys promisyd gyfyn to them to obtaine ther favors, yow wold have piete, and help our Master abbot home, to see to his chayrges and dewte for ther correccion and sowll heylth. Thus doyng for our Master abbot, us and this our power fluctuant as zyt¹ place as we feythfully trust in your gudlordshypys, yow shall ever bynd us to pray for the Kynges Ryall estate, as we be bownd, and your prosperous heylth, which we holy pray Jesu to amplefy to his pleasour. At the power monastery of Whitby this xvj day of October.

Be your oratours and beydmen.

Dominus Nicholaus Morley Bachalarius Sacre Theologie
Prior.

Dompnus Robertus Amias primus senior

Dompnus Johannes Burton [?] secundus senior Refectora-
rius

Dompnus Johannes Bullan Bursarius

Dompnus Willelmus Johnson Supprior

Dompnus Johannes Hexsam infirmarius

Dompnus Willelmus Knägge sub sacrista

Dompnus Wyllelmus Castell capellanus

Dompnus Thomas Byllynggam

Dompnus Johannes Staynson tercius senyor

Dompnus Thomas Pykryng coquinarius.

To the Kynges nobyll Conseill. (*Ibid.*, Bundle xxxiv, no. 43.)

¹ The word "zyt" seems to stand for yet. See Halliwell's *Dictionary of Archaic Words*. S.V.

[NOTE.]

MONKS OF WHITBY.

It is doubtful whether this much-mutilated Petition is sufficiently intelligible to be worth printing. Its object was evidently to get leave for the abbot to return from London to his monastery to reform certain abuses which had occurred and were occurring during his absence. It appears that the "Stewardship of Whitby" had, about January, 1537, been given by the King to "young Sir Ralph Eure," as we learn from a letter written 28th January by Gregory Conyers to Sir John Bulmer (see *Letters and Papers, Henry VIII*, vol. xii, no. 271). The reference, in this Star Chamber Proceedings case to the Earl of Northumberland, is explained in this letter, which states that the stewardship was the inheritance of the Earl of Northumberland, who leased it for life to Sir Francis Bygod. In this letter it is also stated that the Earl had been induced to release his title to the stewardship to the king. Sir Francis Bygod, having taken part in the 1536 rising, forfeited his tenancy. The Earl had promised Sir George Conyers that he should succeed Bygod, and had written a letter to the abbot and convent to make "a new patent" in favour of Conyers. In a letter dated 9th April, 1538, the monks of Whitby, or rather some of them, complain to Sir Ralph Eure, Junr., their "right worshipful gentle M^r Steward, that they are sore troubled by Gregory Conyers, which hath the most living of our house of any man living." They had offered him £20 a year to deliver the convent seals and "takes" he had of them, but he was "insatiable," and, in the absence of their steward, Eure was importunate for the lordship of Ryswarpe [? Runswick]. They begged that their steward would find means to pacify Conyers through Lord Cromwell's instrumentality. Then in the letter follow the signatures of those monks who had promised to deny his unreasonable requests. There are seventeen names in all, only two of which are given in *Letters and Papers, Henry VIII*, vol. xiii, pt. 1, for 1538, no. 722. I think it, perhaps, worth while to give the entire list:

Dan. Thomas Brabyner	Dan. Wythm Styll
Dan. Peter Bennett	Dan. John Watson
Dan. Wythm Knagges	Dan. Mathew Peche
Dan. Wythm Castyll	Dan. Wythm Newtonne
Dan. Thomas Hewyt	Dan. Wythm Froste
Dan. Thomas Stabyler	Dan. Wythm Kyldail
Dan. Henry Dowell	Dan. Wythm Colsonne
Dan. Henry Barkar	Dan. Robt Leydley
Dan. Robt Peirsonne	

This document is endorsed: "The monks of Whytby agaynst Gregorye Conyers pressing them for leases."

On 5th May, 1538, the abbot and convent of Whitby, in a letter addressed to Cromwell, write that in consideration of his late goodness in writing to them touching Gregory Conyers, whose insatiable demands are like to put their house in trouble, they are glad to accomplish his pleasure in writing to them for the stewardship of their house. If Cromwell wished his son joined with him in the patent, they will seal it anew. They suggest that Sir Ralph Eure, who is liked by their tenants, is a meet man to be his lordship's, Cromwell's, deputy. They also desired that Cromwell should take order that Conyers may be expelled from them (see *Letters and Papers, Henry VIII*, vol. xiii, pt. 1, 1538, no. 923).

Among the Letters and Papers for 1538 is one, undated, from the abbot to Cromwell, in which he, "in consideration of his age and feebleness begs to be allowed to resign on £40 pension, and to have the cell of Middlesbrough, belonging to his monastery, worth £12 rent, to find himself, his chaplain, and servants in meat and wages." Dr. Legh, he adds, need not come down unless to choose a new abbot. "Sir," he writes, "for God's sake, look that I nor my monastery take no harm" (*Letters and Papers, Henry VIII*, vol. xiii, pt. 1, no. 1113). John Hexham, who wrote this, was the last abbot but one, and after the dissolution of his monastery, continued as occupier at Middlesbrough, of the property there, and died in 1557. Henry Darell was elected as his successor in 1538, but he surrendered the abbey 14th December, 1539.

ADDITIONAL NOTES.

CARR FAMILY (see p. 3).

From the list of the *Newcastle Merchant Adventurers*, Surtees Society, i, 185-6-7, we learn that Rayff Car was admitted a freeman, as son of George Car, the younger, on the 29th March, 1515, and was made a master in 1520-1.

Also, it is stated in the above list that Christopher Car became a master in 1517-18, and William Car in 1522.

In 1427 we find that a John Car purchased the manor of Irby from John Dresden, and in the year 1500 another John Car, of Edlingham, exchanged property in Northumberland for the manor of Irby, in Yorkshire, from George Car, of Newcastle-on-Tyne, merchant (*Yorkshire Deeds*, i, 100).

Page 8, line 6. Bailey arrant, *i.e.* bailiff errant. "Bailifs errant are those that the sheriff makes and appoints to go about the country to execute Writs, summon the County Sessions, Assizes, and such like" (Blount).

PURGATION (p. 39).

Regarding the "purgation" made by James Rooke in Kendal church, the following extract from the Summary of the medieval Canon Law, entitled *Summa Angelica de casibus conscientiae per venerabilem fratrem Angelum de Clavasio compilata*, may be of interest. He writes: *Alia, [purgatio] dicitur canonica a jure canonico inventa, et hec sic per juramenti prestationem coram suo iudice et illis apud quos infamatus est, scilicet jurando quod tale crimen non commisit super quod est infamatus nec ad id operam dedit et debet habere tot purgatores quod indicenti purgacionem videbitur.*

Page 71, note 2:

It should be remarked that the name Eure, here spelled *Euer*, is spelled in original as well as recent documents in a variety of ways. This is doubtless owing to the double use of *u* as *u* and *v*. In vol. xiv of the *Letters and Papers*, Henry VIII [1539], the following versions occur: *Eure*, *Evre*, *Ewere*, and *Evers*. When Sir Ralph signed his name he signed it *Rauff Eure* (see *ibid.*, part I [1539], p. 313).

HOLY BREAD (p. 110).

The usage began of sending blessed bread instead of the Holy Eucharist to those who did not communicate at the Mass, as a pledge of the communion of faith. Those who did not communicate received bread offered at the Offertory of the Mass but *not* consecrated. It appears to have received no other blessing than that of the Offertory Prayer, and was considered blessed because it formed part of the oblation. This bread is called *eulogia* because it is blessed, and because a blessing accompanies its use. It is also called *Antidoron* because it is a substitute for the *doron*, the real gift which is the Holy Eucharist. The Eulogia is prescribed in the liturgies of St. Basil and St. John Chrysostom. It existed in the west and is mentioned by St. Gregory of Tours, the Council of Nantes, and Leo IV.

Later, when the Faithful no longer furnished the altar bread, a custom arose of bringing bread to the church for the special purpose of having it blessed and distributed among those present as a token of mutual love and union, and this custom still exists in the western church, especially in France. This blessed bread was called Panis Benedictus, Panis Lustratus, Panis Lustralis, and is now known in France as Pain Bénit. It is *common bread* which receives a special blessing. The prayer used is the first or second Benedictio Panis in the Roman Missal. It exists in Canada and Ireland (see *Catholic Encyclopædia*, Art. Bread).

FAMILY OF ROSE OF INGMANTHORPE (note 1, p. 117).

Glover's pedigree of this family is rather disappointing. From *Yorkshire Fines of the Tudor Period* we learn that in Easter Term, 1545, a Fine was passed between Robert Roos and Dorothea, his wife, deforciant, and Sir Thomas Pope and Robert Curson, plaintiffs, of a fifth part of the manors of Burton Constable, Hunton, Garriston, Hunthanke (*alias* Unthank?), and Clifton, and of 200 messuages and 20 cottages with lands there. In Plowden's *Reports of Proceedings in the Court of Chancery* a case is reported in which Robert Rosse, otherwise Rose, was plaintiff, and Sir Thomas Pope, defendant. Robert Rose, it is stated in the pleadings, had made a recognizance for a debt of 1,000 marks to Sir Thomas and Curson, and he and his wife gave the fifth part of the manors, etc., as stated above in fee to those two persons. Sir Thomas Pope, as survivor, after the death of Curson, made execution of the recognizance against Robert Rose, and his body was taken, *i.e.* he was imprisoned for the debt. Rose supposed "that the fine of the lands discharged the recognizance, and brought a writ *De audita querela*. The case was finally heard before Lord Chancellor Rich, in Easter Term, 5 Edw. VI (1551), and judgment was given against Rose—" *ne prendra riens per son breve* " (see *Les Commentaries ou Reportes de Edmund Plowden*, printed at London, 1598, p. 72).

It may be added that in Easter Term, 1545, the same term as that in which the fine named above was passed in favour of Sir Thomas Pope and Robert Curson, another fine was enrolled of the manor of Mountgrace, Robert Rose, Esq., and Dorothy, his wife, being deforciant, and Ralph Rokeby and Dorothy, his wife, plaintiffs.

The late William Brown, F.S.A., in his *History of Mount Grace* (A.I., vol. vii), refers to this matter in the following paragraph:

"At the Reformation the site of the Priory was granted to Sir James Strangways the younger, of Harlsey Castle, to hold *in capite* by military service. On his death, on the 26th April, 1541, without issue, his extensive estates became divisible between his cousin, Robert Roos of Ingmanthorpe, and his aunt Joan, wife of Sir William Mauleverer and widow of Sir John Bigod of Settrington. By an Act of Parliament passed in 1544, Mount Grace, with other properties forming part of the inheritance of the Strangways, was allotted to [Robert] Roos. Shortly afterwards he sold the manor of Mount Grace to Ralph Rokeby, Serjeant-at-Law."

Page 127, 17th line from bottom:

Shire Thursday. This is probably *Shere Thursday*, the Thursday before Easter, so called because on that day the clergy sheared or shaved their heads, to make themselves "honest," according to the explanation in the homily under "Scher Thursday" (see Hampson, *Medii Aevi Kalendarium*, s.v. Shere Thursday).

PORTIONS OF SAME CASES OCCURRING IN THE FOUR VOLUMES.

MORES *v.* ABBOT OF KIRKSTALL.

1. Bill, vol. iv, p. 12.
2. Report of Commissioners regarding the case, vol. ii, p. 153.

SAVILE *v.* PARTRICHE.

1. Bill, vol. iv, p. 48.
2. Interrogatories, vol. i, p. 178.
3. Answer, vol. iv, p. 51.

PLAYN *v.* STEYLL.

1. Bill, vol. iv, p. 68.
2. Interrogatories, vol. iii, p. 99.
3. Answer, vol. iv, p. 68.

MORTON *v.* DE LA RIVER.

1. Bill, vol. iv, p. 108.
Bill, vol. ii, p. 166.
2. Answer, vol. ii, p. 165.
Answer, vol. ii, p. 169.
3. Demands of the plaintiff, vol. iii, p. 133.
4. Replication of plaintiff, vol. ii, p. 172.
5. Award of the Bishop of Carlisle, vol. ii, p. 172.

TALOUR *v.* CHOMLEY.

1. Bill, vol. iv, p. 62.
2. Answer, vol. iv, p. 64.
3. Replication of plaintiff, vol. iv, p. 66.
4. Rejoinder of defendant, vol. iv, p. 67.
5. Interrogatories, vol. iii, p. 99.
6. Depositions, vol. iv, p. 67.

ARCHAIC AND OBSCURE WORDS.

Page 8. Line 4. *Neyne*, i.e. *none*:

„ 15. 11 lines from bottom. *Fithers*, i.e. *fighters*. “Man that goth in fray & fyth” (Halliwell).

„ 22. 9 lines from bottom. *Beyns*, i.e. *boons*.

„ 23. Line 16. *Land-end*, i.e. the end of one of the lands or ridges between the “balks” in the open fields.

„ 26. Line 3. *Net*, i.e. *neat*, horned cattle.

„ 41. Line 15. *Arrez*, i.e. *edges*, here the sore edges of wounds=*arridge*, which Halliwell defines as the edge of any thing that is liable to hurt or cause an *ar* (North Country). *Ar* is, he writes, a scar.

„ 41. Line 10 from bottom. *Sewars* were Commissioners appointed to enquire about all nuisances committed in connection with rivers.

ADDITIONAL CORRIGENDUM.

Page 124. Footnote 2. For *vomitted* read *vomited*.

INDEX.

The letter “*n*” indicates a foot-note.

- Abbot, of Byland, 91*n*; of Fountains, 1, 2, 2*n*, 68, 68*n*, 69, 78; of Furness, 52, 52*n*; of Kirkstall, 12, 12*n*, 13; of Meaux, 95; of Rievaux, 67; of Salley, 93; of Whitby, 145
- Acaster, 22, 23
- Addenda, xi
- Afferton, Robert, 135
- Alanson, Aleynson, Thomas, 80, 81, 82, 83, 84
- Aldburgh, 60
- Alerton, 92
- Amias, Dom Robert, 146
- Anne, John, 118, 122
- Annysley, William, 62
- Aplegarth, Thomas, 10
- Apostolic chamber, 137*n*
- Applebe, Appulby, Vyncent, 19, 22, 23
- Archaic and Obscure words, List of, 151
- Arridge, arrez*, 151
- Asheley, Asshelay, Rollande, 106; William, 143
- Aske, 25*n*, 144, 144*n*
- Aske, Anne, 144*n*; Christopher, 25, 25*n*; Elizabeth, 144*n*; Roger, 25*n*, 144*n*
- Askham, Askeham, Anthony, 87, 87*n*, 88, 89, 90; Brian, 23; Rev. Thomas, 141
- Askwith, 6*n*
- Assheton, Eshton, 137, 137*n*; Mr., 138
- Atkin, John, 104*n*
- Atkynson, Adam, 104, 104*n*; Christopher, 87; John, 104*n*; William, 87, 88
- Aughton, vi, 29*n*
- Aunwyke, 112
- Babthorp, William, 35, 118, 144
- Bailey and keeper, 141
- Bailiffs, Burgesses, and Commonalty of Richmond, 144
- Baker, William, 98
- Baldersby, Balderby, 59*n*
- Balderston, John, 49, 51
- Bales, Edward, 36
- Bankes, Alexander, Abbot of Furness, 136
- Baresford, Edward, 35
- Barker, Dan. Henry, 147; George, 56; Isabel, 135; John, 112, 135; Richard, 17, 56
- Barnborough, Baronburgh, v, vi, 29*n*, 34
- Barnby Don, 34*n*
- Barneby, William, 76
- Barnhill, 128*n*
- Baronburgh, *see* Barnborough
- Barros, Robert, 87, 88
- Barrow, Barowe, Robert, 44, 46
- Barton, John, 21
- Bartram, Robert, 3
- Barwyke, William, 56
- Basset, Jane, 29*n*; Sir Richard, 29*n*
- Bateman, Richard, 41
- Battell, Batil, Grace, 17; Johan, 16, 17; Margaret, 16, 17; Symon, 16, 17; William, 16
- Baty, Rauff, 66
- Bawtry, Bawtre, 14, 15, 84
- Baylywyke and Receyvor, 136
- Bayne, 22
- Bedale, 15*n*, 28*n*
- Beighton, 135
- Beker, John, 65
- Bekerton, Robert, 112
- Bekkes, Edward, 51
- Bekkett, Robert, 9
- Bekwith, Bekwyth, Leonard, 7, 8; Sir Robert, 27
- Belle, John, 4; Richard, 4
- Bellerby, Brand, 62
- Bennet, Dan. Peter, 147
- Berwick, garrison at, 28*n*
- Beverley, 29, 34, 80, 80*n*, 81, 82, 83, 84, 97*n*; Governor of town of, viii; St. Mary's Church, 83, 84
- Beyns*, 151
- Beyston, Bryan, 55
- Bickerton, 10*n*, 11, 11*n*, 35*n*
- Bigod, Bygod, Sir John, 149; Sir Francis, 146
- Bikers, John, 62

- Bilbrough, Bylburgh, 109ⁿ, 126
 Bilton, 10, 10ⁿ, 11, 99ⁿ; Church of, 10
 Birkhed, John, 41
 Bishop, "Buysshop" Sign of the, 115ⁿ
 Bishop Burton, v, 28ⁿ, 29, 29ⁿ, 33, 34, 36; manor house at, v
 Bishophill, 78ⁿ
 Bishopthorpe, 23, 23ⁿ, 24
bisshopes barnes, 104, 104ⁿ
 Blagbourne, John, 45
 Blakburn, Blakborne, John, 46; Thomas, 52
 Blanchard, William, 73
 Bland, Percivall, 19
 Blitheman, William, 33ⁿ
 Bolling, Bollyng, Hall, 122
 Bolsterton, 49
 Bolton Percy, 109ⁿ
 Bolton, Sir Christopher, 131, 132
 Boone, Arthur, 115
 Boreman, Richard, 70
 Borough, Henry, 133ⁿ; Katherine, 133ⁿ
 Boroughbridge, Borowbrigg, ix, 56, 56ⁿ, 78ⁿ
 Bossall, 112ⁿ
 Boswell, William, 49, 52
 Bovell, Robert, 101
 Bowes, Elizabeth, 144, 144ⁿ; George, 144ⁿ; Richard, 144, 144ⁿ; Sir Ralph, 144ⁿ
 Boynton, Frances, 90ⁿ; Sir Thomas, 90ⁿ
 Brabyner, Dan. Thomas, 147
 Bradle,, 124
 Bradley, John, 127
 Brafferton, 133ⁿ, 141, 141ⁿ, 142
 Brakanburghe, Breckenbrough, 59, 59ⁿ, 87ⁿ
 Braken, 128
 Bramham, 7ⁿ
 Brandesby, 108
 Brathwaite, 33, 33ⁿ
brekeners, 112
 Brett, Richard, 58
 Bridlington, shrine at, 103ⁿ
 Brierley, Breerly, Byerley, 114ⁿ, 115, 115ⁿ; manor, 115ⁿ
 Bristwike, Burstwick, 97ⁿ
 Bromley, William, 33
 Broughton, Christopher, 47
 Brown, Browne, Broun, Dom Hugh, 137, 138; Humfrey, 123, 144; William, v, 95ⁿ, 149
 Brygnell, Richard, 10
 Buckrose, 72
 Bukton, Rauf, 70, 72
 Bull, the, 80
 Bullan, Dom John, 146
 Buller, Richard, 96
 Bulmer, Anne, 144ⁿ; Sir John, 147; Sir Ralph, 144ⁿ
 Burbrigge, 60
 Burgh, Richard, 27
 Burne, John, 41
 Burnett, William, 44, 46; Thomas, 44
 Burnsall, 25ⁿ, 137ⁿ
 Burstwick, Bristwike, 97ⁿ
 Burton Agnes, 97ⁿ
 Burton Constable, 95, 149
 Burton, Dom John, 146; Prior of, 33, 33ⁿ; William, 129
 Burton in Lonsdale, 8, 8ⁿ
 Butler, Butteler, Joan, Johan, 117, 117ⁿ, 118; John, 101; William, 101
 Byland, Abbot of, 91ⁿ
 Byllynggam, Dom Thomas, 146
 Byton, Abbot Richard, 67ⁿ
 Cades, Robert, 62
 Calais, Cales, Contrawler (Controller) of, 4, 5ⁿ
 Cam, Came, Edmund, 143; Henry, 143; Robert, 143
 Cambridge, 41
 Campsall, 32
 Canterbury, Archbishop of, 27
 Carbut, Carbott, John, 10, 11
 Cardinal Archbishop of York, 106
 Cardinal, Lord, 34, 38, 40, 48, 64, 94
 Carlton (near Aldborough), 144ⁿ
 Carr, Car, Carre, family, 3ⁿ, 148; Christopher, 3, 148; George, 3, 148; Jamys, 3; John, 148; Nicholas, 3; Rayff, 4, 148; William, 148
 Carter, Robert, 49, 51
 Cases, List of, xi-xiii
 Castell, Dom William, 146, 147
 Cattall, 100, 100ⁿ
 Cecil, Sir Robert (Earl of Salisbury), vii
 Chaloner, Chalenour, Humfrey, 36; Robert, 118, 122
 Chamber, John, 49, 51, 52
 Champneis, John, 44
 Chancellor, Lord, 64, 94, 95, 106, 107ⁿ
 Chapeltown, Chapell Towne, 12, 12ⁿ
 Chapman, George, 76, 112; Master John, 34; William, 131, 132, 133
 Chaworth, Jane, 42ⁿ
 Cheshire, 132
 Chesterfield, 135
 Cheyne, 35
Chirche herthe, 110, 110ⁿ
 Cholmley, Chomley, Katherine, 71ⁿ; Roger, 62, 63, 64, 65, 66, 67, 71; Sir Richard, 71ⁿ
 Clarkenwell, 99ⁿ

- Clarke, Clerke, Clerc, John, 67; Peter, 134; Thomas, 143; William, 17, 98
 Clarkes Dyke, 16
 Clavasio, Angelus de, 148
 Clay, Charles, x; Mr., 95ⁿ
 Clement VII, Pope, 85ⁿ
 Clifford, Lord Henry, 54ⁿ; manor of, 7, 7ⁿ
 Clifford's Inn, 91
 Clifton, Clyfton, 44, 45, 149
 Clifton, Ezachie, 97, 97ⁿ, 98, 98ⁿ
 Cobham, 107
 Coittes, William, 102
 Coke, John, 75; Thomas, 17
 Cokke, John, 118
 Colby, John, 139
 Coler, John, 17
 Collier, Rev. C. V., x
 Collyngwood, William, 104
 Colson, Thomas, 24
 Colsonne, Dan. William, 147
 Colthurste, Thomas, 114, 115
 Colynson, Edward, 10
 Coningsby, Margaret, 95ⁿ; Sir Henry, 95ⁿ
 Constable, Anne, 17ⁿ, 29ⁿ, 31; Barbara, 25ⁿ; Jane, 17ⁿ, 29ⁿ, 31; Joan, 98ⁿ; John, 44, 97; Katherine, 71ⁿ; Ralph, 98ⁿ; Robert, 44; Sir John, 95, 95ⁿ, 96; Sir Marmaduke, 25, 25ⁿ, 26, 34; Sir Robert, v, 17, 17ⁿ, 25ⁿ, 29, 29ⁿ, 30, 31, 32, 33, 34, 35, 71ⁿ, 84ⁿ; Sir William, 81, 84; Thomas, 32, 34
 Constable's servant, 35
 Contents, xi
 Conyers, Coniers,, 144; Cicylle, 16; Gregory, 147; Joan, 130ⁿ; Sir Thomas, 130ⁿ
 Copercote, 136
 Copley, Coppeley, family, 141ⁿ; John, 141, 142; William, 142
 Copmanthorpe, Copynthorpe, 18, 18ⁿ, 19, 20, 22, 23, 24
 Corrigenda, xiv, 151
 Cotegarth, 28ⁿ
 Cottes, John, 23
 Council of the North, 131ⁿ
 Cowherd, Rowland, 62
 Cowper, Thomas, 49, 51
 Cowthorpe, 117, 117ⁿ
 Cowton, 55
 Crakalcote, 28
 Crakehall, 28, 28ⁿ
 Cranmer's house, 86ⁿ
 Craven, 1, 93
 Cresacre, Anne, v, vi, 29, 29ⁿ, 31, 34, 34ⁿ, 36; Edward, v, vi, 29, 29ⁿ, 31, 32, 35; John, 29ⁿ, 34ⁿ; Margaret, 29ⁿ, 34, 34ⁿ
 Creyke, Creke, Creyk, Isabel, 65ⁿ, 97ⁿ; Robert, 35, 65ⁿ, 97, 97ⁿ, 98
 Crofton, Robert, 63
 Cromwell, Lord, 28ⁿ, 103ⁿ, 114ⁿ, 147
 Crossley, Crosley, John, 80, 81, 83, 84
 Crowe, John, 133, 134
 Cui; See *pare et Cui*, 87
 Cumberland, Earl of, 136, 137, 138
 Curson, Robert, 149
Custos Brevium, 89, 89ⁿ
 Dalton, 52ⁿ; Roger, 48
 Dalton-Norres, 144ⁿ
 Danby, Christopher, 13
 Darcy, Lord, 115ⁿ
 Darell, Henry, 147
 Darfield, Derfeld, 119, 124, 127, 128
 Darley, William, 49, 50, 51
 Darrington, 122ⁿ
 Daville, Elizabeth, 10ⁿ; Thomas, 10ⁿ; William, 10ⁿ
 Davy Hall, York, 6ⁿ
 Dawson, Christopher, 24
 Deconson, Dekynson, Dyconson, John, 52, 53; Nicholas, 49, 51; Rowland, 131; William, 79
 Deen, Richard, 16
 Dente, William, 83
 Denton, 6ⁿ, 8, 18ⁿ, 109ⁿ; manor of, 7, 7ⁿ
 derbayly, 49
 Derby, 135; Edward, Earl of, 8, 9, 9ⁿ; Lady Ane, Countess of, 9; Margaret, dau. of 2nd Earl of, 9ⁿ
 Dey, Deye, Sir William, 49, 51
 Docwray, Dokrey, Michell, 24; Sir Thomas (Prior of St. John of Jerusalem), 99, 99ⁿ
 Doncaster, vi
 Dowell, Dan. Henry, 147
 Dresden, John, 148
 Dronsord (Drawsword), Maister Thomas, 40, 40ⁿ
 Duffield, 116
 Dunham, Sir John, 35
 Durham, 91; assizes, 93; Cuthbert, Bishop of, 56ⁿ, 85, 85ⁿ, 86, 118, 128
Dyezmes, 100, 100ⁿ
 Dynham, coheirs of, vi
 East Lutton, 72, 72ⁿ
 Edlingham, 148
 Edrengton, Thomas, 33
 Edstone, Great and Little, 98, 98ⁿ, 99ⁿ
 Edward, John, 62
 Edward III, King, 88; VI, 86ⁿ, 107ⁿ
 Ekoppe, Thomas, 41
 Eliot, Thomas, 129
 Elizabeth, Queen, 86ⁿ, 107ⁿ

- Elland, 44ⁿ
 Ellerker, Ellercar, Sir Ralph, 95, 95ⁿ, 96, 97ⁿ, 81; Thomas, 16
 Elletson, Thomas, 25
 Elloughton, 99ⁿ
 Elmsall, 54
 Elynthorp, 54ⁿ
 Elys, John, 104; Master Baron, 96
 Elyson, Henry, 21
 Erasmus, 95ⁿ
 Esholt, 54; Prioress and nuns, 54ⁿ
 Euer, Sir Ralph, 71, 71ⁿ, 147; Note on the name, 148
 Everingham, 25ⁿ
 Exeter, Bishop of, 57, 58, 80ⁿ

 Faceby, Matthew, 130
 Fairfax, Fairefax, Fayrefaxe, Guy, 15; Isabel, 6ⁿ, 119ⁿ; Jane, 18ⁿ; Lords of Cameron, 18ⁿ; Master, 23, 36; Nicholas, 22, 23; Sir Nicholas, 18, 18ⁿ, 19, 20, 21, 24; Sir Thomas, 18, 18ⁿ; Sir William, 6, 6ⁿ, 8, 109, 109ⁿ, 111
 Family of, Carr, 148; Lenthall, vi; More, vi; Roos, 149
 Farechilde, William, 101
 Fawden, Lawrence, 17
 Fayrcoke, Henry, 82
 Featherstonhaugh, Christopher, 28; William, 28
 Felden, James, 108
 Feldewe, Adam, 62
festes and tyes, 63ⁿ
 Felkird, 115ⁿ
 Fenton, John, 23, 24
 Fenwick, Fenwyke, 29ⁿ, 32, 32ⁿ
 Ferrer, Farer, Ferrey, Edward, 80, 81, 83, 84
 Ferrybridge, Ferybriggs, 85, 85ⁿ
 Fewll, John, 17
Fithers, 151
 Flamborough, 17ⁿ, 25ⁿ, 29ⁿ, 71ⁿ
 Flasby, 137
Flatlinges, 32, 32ⁿ
flawtes, flaws, 76, 76ⁿ
 Fletborough, 29ⁿ
 Flocton, John, 31
 Flodden, 71ⁿ, 115ⁿ
 Flouer, Christopher, 101
 Forman, John, 62, 63, 64, 65
 Forten, John, 66
 Foster, Archebolde, 104; John, 17; Robert, 110; William, 17
 Fouche, Thomas, 55
 Fountains, William Thirsk, Abbot of, 1, 2, 68, 68ⁿ, 69, 78; Our Lady of, 1
 Fox, Frances, 91ⁿ; James, 91, 91ⁿ, 92, 93; Thomas, 91ⁿ
Foyned, 30ⁿ

 Franke, Richard, 134
 Fremans, Richard, 109, 110, 112
 Frere, Freer, Frer, George, 22; Richard, 29; William, 36
 Frobisher, Forbyssher, Frobyssher, Frances, 90ⁿ; Francis, 90, 90ⁿ, 91; John, 107
 Froste, Dan. William, 147
 Fryston, 100ⁿ
 Fulborne, George, 86, 87, 88, 89, 90, 91, 92; Thomas (senior), 86, 87, 88, 89; Thomas (junior), 87
 "full herrings," 139ⁿ
 Furness, Fournysee, Alexander Bankes, Abbot of, 136, 137ⁿ; John Dalton, Abbot of, 137ⁿ; Monastery of, 52, 52ⁿ, 137; Robert, 49, 51ⁿ; Roger Pele, or Pyle, Abbot of, 136, 136ⁿ
 Fyssher, Richard, 14, 15

 Gailes, 144ⁿ
 Gammyll, Robert, 48
 Gardiner, Bishop, 107ⁿ
 Gargrave, 137ⁿ
 Garlady, Henry, 49, 50, 51
 Garriston, 149
 Garthe, Geferay, 102; Jhon, 102, 103
 Garton, 94ⁿ
 Gascoigne, Gascoyne, Gascon, Agnes, 27ⁿ; Bridget, 9ⁿ, 35ⁿ; Sir William, 9ⁿ, 10ⁿ, 13, 27ⁿ, 35, 35ⁿ, 84, 84ⁿ, 85, 124
 Gatenby, 144ⁿ
 Gawthorpe, 9ⁿ, 35ⁿ, 84ⁿ
 Gell, Robert, 118
 Gilling, 18ⁿ, 22, 144ⁿ; Castle, 22
 Giltwaite, Gylthwaytt, 138, 138ⁿ
 Givendale, 54ⁿ
 Glass Houghton, 106ⁿ
 Glow, Thomas, 17
 Godderd, John, 139
 Goderyk, Henry, 100ⁿ
 Gorge, Thomas, 36
 Gombaldthorn, 96
 Gorrell, Gorrelles, Nicholas, 125, 128; Robert, 17
 Gorstwike, John, 28, 28ⁿ
 Goswell, William, 50
 Gower, Gowers, Gowre, Master, 64, 66
 Graffin, Nicholas, 49
 Grame, Richard, 52
 Graund Thorp, 91ⁿ
 Gray, John, 139
 Gray's Inn, 115ⁿ
 Green, Agrene, Grene, Elizabeth, 120, 121, 123, 124, 125, 126, 128; Thomas, 112; William, 55, 122
 Gregory, George, 49, 51
 Grenewood, William, 108

- Gresham, Isabella, 59ⁿ; Sir Richard, 59ⁿ
 Greyson, Nicholas, 52
 Grice, Gryse, Thomas, viii, 37, 37ⁿ, 38ⁿ, 39, 40
 Grimston Garth, 94ⁿ
 Grinton, Grynton, 102, 102ⁿ
 Gryffyth, Griffith, Walter, 108ⁿ; Edward, 135
 Grymston, Walter, 94; William, 94, 94ⁿ, 95, 96, 97, 98
 Gryve, Thomas, 121
 Gunpowder plot, 115ⁿ
 Gybson, Richard, 109, 110, 112
 Gyll, Robert, 84, 85
 Gylson, Robert, 94
 Gymlyng, John, 66

 Haberforth, 132
 Haget, Bertram, 112ⁿ
 Hakingthorpe, 135
 Halibe Wombewell, 33
 Halifax, 42
 Hallamshire, Halamshere, 50
 Halle, Thomas, 115
 Halls, James, 17
 Halton, Thomas, 136, 137
 Halylee, John, 10
 Hamylton, Richard, 114
 Hanshaa, Christopher, 44
 Harbert, Johan, 53, 54; William, 53
 Harclacastle, 54ⁿ
 Hardlok, Richard, 134
 Hardwyk, Anthony, 10
 Harlsey, 117ⁿ; Castle, 149
 Harpam, John, 138
 Harper, Harpper, Herper, Thomas, 55, 60, 61
 Harpyn, Robert, 131
 Harrison, Heryson, John, 67; Gilbert, 81
 Harrow, Harowe on the Hill, 72
 Harwodd, John, 128
 Haslehurst, 65ⁿ
 Haslewood, 113ⁿ; Park, 132
 Hastings, Hastynges, Agnes, 34ⁿ; Anne, 29ⁿ, 34ⁿ; Edward, 29ⁿ; Elizabeth, 34ⁿ; Jane, 29ⁿ; Margaret, 29ⁿ, 34ⁿ; Sir Brian, v, 33, 33ⁿ, 34, 35, 118, 122; Sir Hugh, 29ⁿ, 33ⁿ
 Hawsworth, Anne, 54, 54ⁿ; Walter, 54ⁿ
 Hawnby, 91ⁿ, 92ⁿ
 Hawthwhat Close, 23
 Haye, Rauffe de la, 114, 114ⁿ, 115
 Hayton, James, 75
 Healaugh, Helagh, Helay, Helaugh, 111, 111ⁿ; Abbey, 112, 112ⁿ; Christopher, Prior of, 86, 86ⁿ, 89; Prior of, 90, 91, 92; Richard, Prior of, 90
 Heath, Bishop Nicholas, 107ⁿ
 Hebdeyn, Thomas, 48, 100
 Heeley, Heghley, Hyeghley, 143, 143ⁿ
 Heeton, 137, 137ⁿ
 Helcott, Mychell, 62
 Helliwell, Haliwell Hall, Haleywell, 106, 106ⁿ
 Helperthorpe, 70, 70ⁿ, 72
 Henry, VII, King, 4, 78; VIII, King, ix, 4, 38, 86ⁿ, 95ⁿ
 Henryson, Richard, 68, 69
 Herbert, Richard, 74, 116; Rowland, 72, 77, 101, 116
 Hergyll, Peter, 100
 Hertley, Matthew, 130, 130ⁿ
 Heslarton, Heslerton, 70, 74ⁿ; Anne, 70, 70ⁿ, 71, 72; Brian, 70, 70ⁿ; John, 70, 70ⁿ, 71, 72; Thomas, 70, 70ⁿ, 72
 Hewetson, Bedman Edward, 78
 Hewyt, Dan. Thomas, 147
 Hexham, Hexsam, Dom John, 146; John, 147
 Heyly, 24
 Hibson, John, 62
 Hierwoode, 9
 Higden, Hygden, Dean Brian, 21, 37, 38, 71, 71ⁿ
 High Street, Hygh Strett, 135, 139
 Hilliard, Hildyard, Christopher, 95, 95ⁿ; Joan, 95ⁿ; Margaret, 95ⁿ; Peter, 95ⁿ
 Hirwhat Close, 23
 Hobson, Thomas, 14
 Hoddes, Robert, senr. and junr., 139
 Hodlow, Margaret, 16; Robert, 16, 17
 Hodgson, Hogson, Edward, 24; Robert, 3, 17
 Hog, Hogge, John, 73; Robert, 129
 Hokekynson, Christopher, 115ⁿ
 Holcroft, Mr., 138
 Holderness, 94ⁿ, 96, 97; Receiver of, 95
 Holdore, Richard, 63; Thomas, 63
 Holgyll, William, 25
 Holme, John, 98; Robert, 87, 88
 Holstoke, Thomas, 17
 Holthorp Wode, 99
Holy Bread, 110, 148, 149
 Hornby, 115ⁿ
 Horneclif, John, 96, 98
 Horny Close, 132
 Horsman, John, 112
 Hotchekynson, Herry, 129
 Houghton, 106ⁿ
 Howden, 7; Common pound, 7; Manor of, 7

- Howseman, Thomas, 15
 Howtrem, Thomas, 135
 Hubanke, Hewbanke, John, 19, 22
 Huby, Marmaduke, Abbot of Fountains, 1ⁿ, 2ⁿ
 Hudson, Hoodson, Christopher, 80, 81, 83, 84
 Hull, 139, 139ⁿ, 140, 141
 Hullenedge, 42ⁿ
 Humfrey, John, 115
 Hunderton, 54ⁿ
 Hungate, Dame Anne, 116; William, 73, 132
 Hungeld, Hungild, Hungyldes, 65, 65ⁿ; rent, 67
 Hunsingore, Hunseyndore, 100, 100ⁿ
 Hunton, 149
 Hussy, Husey, Hussey, Anne, 4ⁿ, 17ⁿ, 29ⁿ; Dame Anne, 72, 72ⁿ, 116; George, 5, 5ⁿ, 6, 17, 29ⁿ, 73, 74, 75, 76, 77, 116; Sir John, 4ⁿ, 116; Sir William, 4, 4ⁿ, 5, 5ⁿ, 72
 Husteler, Christopher, 122, 126
 Hutchynson, Robert, 28
 Hutton Bushell, 71ⁿ
 Hyll, James, 15; Richard, 15, 16, 100
 Hylton, Sir Thomas, 144ⁿ

 Ibotson, Robert, 25
 Ingleby, Jane, 17ⁿ, 29ⁿ; Sir William, 17ⁿ, 29ⁿ, 144ⁿ
 Ingleton, 8ⁿ
 Inglond, Christopher, 128
 Ingmanthorpe, 117ⁿ, 118, 118ⁿ
 Irby, 3, 148; Manor of, 148
 Isakson, Robert, 130, 131

 Jackson, Jakson, Christian, 29; Edward, 135; John, 15; Richard, 109, 110, 112; Robert, 94, 95, 96, 98; Thomas, 17, 114
Jakes, 112
 Jenyn, Robert, 13
 Jepson, Brian, 40; Margaret, 41
 Jetor, John, 139
 Johnson, Dom William, 146; Dr. (quoted), 4; Isabel, 110ⁿ, John, 17, 84; Sir Thomas, 110ⁿ; 111, 113; Thomas, 23, 110; William, 17
 Jonge, John, 75
 Joyly, Thomas, 90

 Katterton, 111, 111ⁿ
 ke, John, 49
 Kellet, Dr., 34
 Kempe, John, 62
 Kendal, 39, 148; Church (Kirk) of, vii, 39, 148
 Kettlethorpe, South, 16, 16ⁿ
 Kettlewell, 1ⁿ; Hooll, 16

 Kildale, Kyldail, Dan. William, 147
 Kilmainham Priory, 100ⁿ
 Kilnwick, Kilwick, Kylnewyke, 128, 128ⁿ, 129, 130; Constable of, 129
 King's Chapel, Dean of the, 80ⁿ
 Kirby, Kyrbey, John, 49, 52
 Kirby, Kirkby Hill, 144ⁿ
 Kirby Misperton, Kirby Overcar, 48, 48ⁿ
 Kirby Moorside, 98ⁿ
 Kirby Wiske, 59ⁿ
 Kirk Bramwith, 33ⁿ
 Kirk Deighton, 118ⁿ
 Kirk Hammerton, 10ⁿ, 28ⁿ
 Kirk Smeaton, 122ⁿ
 Kirk Stainley, 117ⁿ
 Kirklees Priory, 44ⁿ
 Kirkstall, Abbot of, 12
 Knaggs, Dom William, 146, 147
 Knaresborough Castle, 56; Forest of, 89
 Knevett, Knevytt, Henry, 54ⁿ; Katherine, 54ⁿ, 55, 133, 133ⁿ; William, 54, 54ⁿ, 55, 55ⁿ, 133, 133ⁿ
 Knolles, Doctor, vii, 40
Kydcott, 18, 18ⁿ, 21
 Kylburn, Dame Elsbethe, 101
 Kytchyn, Kytchyne, John, 25, 135
 Kytson, Thomas, 127

 Lady of Fountains (Fowntance), Our, I
 Ladynam, John, 114
 Lambert, Mr., 90
 Lammas, John, 63
 Lancashire, 132
 Lancaster, 8; Duchy of, 31, 33, 64; Duchy Court of, 117ⁿ
Land-end, 151
 Langefyste, Thomas, 15
 Langryge, Langrike, William, 81, 82
 Langskar, Rauff, 133
 Langthwaite-with-Tilts, 32ⁿ
 Langton, John, 104, 104ⁿ
 Lasselles, Christopher, 59, 59ⁿ, 88ⁿ, 92; Roger, 87, 87ⁿ, 88, 90; Sir Roger, 59ⁿ, 88ⁿ
 Latimer, Lord, 45ⁿ, 144
Latytat, writ of, 110, 110ⁿ
 Laverok, William, 73
 Lawde, Edmund, 15
 Layton, Dr., 137
 Leadam, Mr., viii
 Leake, Elizabeth, 34ⁿ; John, 34ⁿ
 Leathley, 110
 Ledall, William, 15; Michell, 17
 Lee, Archbp. Edward, 103ⁿ; Edward, 122, 127
 Leeds, 131
 Leey, Ley, Thomas, 28, 28ⁿ

- Legate, Lord, 64
 Legh, Liegh, Dr., 137, 147
 Lenton, John, 24
 Leo X, Pope, 38
 Lesten Flatt, 15
 Letby, 54ⁿ
 Leyburn, 102ⁿ
 Leydley, Dan. Robert, 147
 Leythorn, William, 22
 Lincoln's Inn, 92
 Lindley, 110ⁿ; Thomas, 110ⁿ
 Linton, 1ⁿ
 List of Archaic and Obscure words,
 151
 Little Houghton, 128ⁿ
 Little Ouseburn, Osbourne, 78, 78ⁿ
 Little Ribston, Rybston, 86, 86ⁿ, 89,
 90
 Liversedge, 37ⁿ
 Lofte, John, 129
 London, 6, 6ⁿ, 58, 60, 66, 122, 126,
 135, 147; Bishop of, 95; John, 56,
 58, 59
 Long Sandal, 32ⁿ
 Lord Chancellor, 64; 94, 95, 106, 107ⁿ
 Lowell, John, 48
 Lower Woode, 9
 Lowestoft, 139, 139ⁿ
 Lumby, Richard, 124, 126
 Lundbrige, 65
 Lunde, Miles, 9
 Lutye, Bryan, 130
 Ly, John, 17
 Lylforth, William, 28
 Lytton, William, 114

 McCall, H. B., F.S.A., v
 Machell, Dr. Henry, vii, 38, 40
 Magdalen College, Oxford, vii
 Maidwell, 111ⁿ
 Malham, Laurence, 47
 Mallory, Sir William, 61
 Maltby, Christopher, 62
 Malton, 71ⁿ
 Man, Frances, 78, 79; Gregory, 78,
 79; Peter, 78, 79; William, 104
 Mancefeld, Henry, 22
 Manners, Sir Thomas, Lord Roos, 64ⁿ
 Mansell, Richard, 59, 60
 Marishes, East and West, 63; Mar-
 esse More, Maresmore, 63, 63ⁿ, 65
 Marpath, John, 3
 Marshall, Thomas, 23, 24
 Marston, 112, 112ⁿ
 Marton, 97ⁿ
 Masham, 128ⁿ
 Mason, Mayson, James, 28; John,
 104
 Masse, William, 61
 Mathoo, John, 61

 Mauleverer, Mawleuerere, Katherine,
 119ⁿ; Sir Thomas, 142; Sir Wil-
 liam, 13, 149
 Meaux, Melsa, Abbot of, 81, 84;
 Monastery of, 97; Richard Stopes,
 Abbot of, 95, 95ⁿ, 96, 97, 98
 Melbecks, 111ⁿ
 Menythorp, Robert, 62
 Mercers' Company, 100ⁿ
 Merley, Roger de, 101ⁿ
 Merton, Harry, 118
 Metcalfe, Metkalff, Christopher, 28;
 Francis, 111, 111ⁿ, 112; Joan,
 111ⁿ; Lucas, 28; Raffe, 120, 124,
 125
 Metham, Robert, 128, 128ⁿ; Tho-
 mas, 128, 128ⁿ, 129, 130
 Mexborough, Mekisburgh, 31, 32, 33,
 123, 124, 127
 Meynell, Frances, 91ⁿ; Robert, 92,
 92ⁿ
 Middlesbrough, Cell at, 147
 Middleton Tyas, 53
 Mirfield, Myrfeld, 44ⁿ; Peter, 13
 Molyland, Henry, 96
 Monkbretton, Thomas Tickhill, Prior
 of, 33ⁿ
 Monks of Whitby, 147
 Monkton Frere, 79
 Monkton, Grace, 16; Marmaduke,
 16, 17
 Monteagle, Lord, 114ⁿ, 115, 115ⁿ
 Moore, More, Mores, Anne, 29ⁿ; Ed-
 ward, 32ⁿ; family of, vi; George,
 12, 13; James, 12, 13, 15, 16; John,
 v, vi, 29ⁿ, 123, 124, 126; Mary, 12;
 Rauff, 12; Sir Thomas, v, vi; 29ⁿ;
 Thomas, 32ⁿ; William, 12
 Moote, George, 14, 15; William, 15
 Morley, Dom Nicholas, 146; Sir
 Thomas, 30, 31, 32, 33
 Morpeth, 101ⁿ
 Morton, 15; Manor of, 14
 Morton, Charles, 14; John, 18, 20,
 21, 22, 24; Mawde, 24; Richard,
 20; Thomas, 13; Walron, 108ⁿ,
 141, 142; William, 18, 22, 23
 Morwood, William, 127
 Mountgrace, Manor of, 149
 Musgrave, Joan, 54ⁿ; Sir Edward,
 54ⁿ
 Myddelton, Myddylton, Sir William,
 87ⁿ; Symond, 60, 61, 61ⁿ; Tho-
 mas, 87, 87ⁿ
 Mydlam, 60
 Mygeley, William, 108
 Mylbourne, Richard, 62
 Mylby, 60
 Mylne Close, 16
 Mylner, John, 87

- Mynskyp, 60
 Myres, Jenet, 23; Robert, 23
 Naburn, ix
 Nantes, Council of, 148
 Nappa, 111*n*
 Narres, Robert, 17
 Nedderstudley (Studley Royal), 61, 61*n*
 Nelson, Thomas, 79
Net, neat, 151
 Nether Hallam, 143*n*
 Nevill, Nevyll, Nevile, Ann, 54*n*, 133*n*; Helen, 37*n*; Isabella, 27*n*; Joan, 54*n*; Katherine, 133*n*; Ralph, 54*n*, 133*n*; Sir John, 45, 45*n*, 46, 66, 94, 144; Sir Robert, viii, 37, 37*n*, 38, 39, 45, 46, 121; Thomas, 37*n*
 Newark, 143
 Newburgh, 66
 Newcastle-on-Tyne, 3, 148; Church of St. Nicholas, 3
 Newman, Thomas, 91
 Newsham, 144*n*
 Newton, 128*n*
 Newton-le-Willows, 144*n*
 Newtonne, Dan. William, 147
 Neylott, John, 41
Neyne, 151
 Nicholson, Nycolson, Alan, 38, 41
 Nix, Richard, Bp. of Norwich, 3, 3*n*
 Nobile, Thomas, 52
 Nodder, John, 115; Richard, 115
 Norfolk, *alias* Lawrence, William, 133
 Norfolk, Duke of, 49*n*, 103*n*
 Normanville, Agnes, 128*n*; Robert, 128, 128*n*, 129; Thomas, 128*n*
 Northampton, Statute of, 88
 North Duffeld, 4, 4*n*, 17*n*, 73, 74, 77
 North Stainley, 68*n*
 Northumberland, Catherine, Duchess of, 111*n*; Earl of, 145, 147; Henry, 93, 93*n*; Thomas Algernon, 110*n*, 111, 111*n*;
 Norton, 1, 1*n*, 54*n*, 74; Anne, 1*n*; Francis, 144; John, 1, 1*n*, 2, 25, 25*n*; Richard, 1*n*, 41; Thomas, 1*n*
 Norton Conyers, 1*n*, 25, 25*n*
 Norwich, Bp. of, 57, 58
 Norwood, Norwoodes, 73, 76, 116
 Nottingham, William, Earl of, 142
 Nowell, John, 34
 Nunburnholme, Elizabeth Kylburn, Prioress of, 101, 101*n*; Priory, 101*n*
 Nycholl, Symon, 53
 Order of Knights of St. John of Jerusalem, 100*n*
 Ortwhat Close, 22
 Ostecllyffe, Robert, 115
 Otes, Joan, 42*n*; Robert, 42, 42*n*, 43; William, 42*n*
 Otley, 7*n*
 Ottye, William, 108
 Ouse, river, 42
 Ouse Bridge, Howsebrige, 24
 Overpopulton, 78, 78*n*
 Oxehouse, 88
 Oxford, Magdalen College, vii
 Page, William, 51
 Pakefield, 139, 139*n*
 Palmes, 56; Brian, ix, 20, 72, 110*n*; Guy, 18*n*, 20; Isabel, 110*n*; Jane, 18*n*, 20; R., 117
 Paradise, 133
Pare and Cui, 87, 88, 88*n*
 Parker, Christopher, 10; Edward, 115; Richard, 138
 Parker of Wortley, 49
 Parkynson, Alexander, 84
 Parlyngton, William, 49, 52
 Parot, Robert, 99, 99*n*
 Parr, Sir Thomas, 20
 Patryke, Partryche, Robert, 112; William, 49, 50, 52
 Pawle, Jhon, 100
 Pawlett, Sir William, 59
 Paynter, John, 81
 Peche, Dan. Matthew, 147
 Peirsonne, Dan. Robert, 147
 Pennock, William, 62, 67
 Penrith, Penreth, Christopher, 75; Richard, 77; Thomas, 3
 Percehay, Isabel, 65*n*; Jane, 65*n*; Joan, 64*n*; Lionel, 64*n*; Walter, 64, 64*n*, 66, 67; William, 64*n*, 65, 65*n*
 Percy, Sir William, 83
 Pereson, Rev. Sir Edward, 74; John, 74
 Petition of the Monks of Whitby, 145
 Peyrson, William, 53
 Pickering, Pykryng, 63*n*, 64, 65, 132; Carr, 65; Castle, 65, 67; Dom Thomas, 146; Forest of, 65*n*; Sir John, 64*n*
 Pickeringlith, Pyckerynglygh, 62, 64
 Pilgrimage of Grace, 2*n*, 17*n*, 29*n*
 Place, George, 144*n*
 Playn, Thomas, 68
 Plowden, Edmund, 149
Plowsok, 21*n*
 Plumpton, Plompton, 27*n*, 86, 86*n*, 90; Agnes, 27*n*; Elizabeth, 27*n*; Isabella, 27*n*; Manor of, 27; Margaret, 26*n*, 27*n*; Sir Robert, 26*n*, 27*n*; William, 26*n*, 27, 27*n*
 Pomfret, Prior of, 132

- Pope, The, 85ⁿ, 103ⁿ; Sir Thomas, 149
 Portington, Agnes, 34ⁿ; Thomas, 34ⁿ
 Portions of cases, 150
 Preston, 96, 97
 Prince Chamber, 96
 Proctor, Gabryell, 136; Geoffrey, 93, 93ⁿ, 94; John, 52; Robert, 93, 94; Thomas, 136
 Purgation, vii, 148
 Pyle, Roger, Abbot of Furness, 52ⁿ
 Pynder, Richard, 17; Thomas, 47
 Pytte, John, 115

 Quarton, Sir Thomas, 111

 Radclif, Ratcliffe, Anne, 1ⁿ; Robert, 1st Earl of Sussex, 8ⁿ; William, 1ⁿ, 114
 Raffelles, Raffes, Raffles, Raffillys, John, 80, 80ⁿ, 81, 82, 83, 84
 Raley, Edmund, 129
 Rastell, John, 8
 Raunson, James, 96, 98
 Rawson, Sir Jhon, 100, 100ⁿ, 101; Sir Randall, 55; Thomas, 131, 132, 133
 Ray, Henry, 73, 76, 77, 116
 Realme, John, 114
 Redeman, James, 138
 Reeth, 102ⁿ
 Remyngton, Edmund, 112
 Requests, Court of, 98
 Reyde, Reydde, William, 23, 24
 Rhodes, 100
 Ribston, Commandary of, 100, 100ⁿ; Commander of, 100
 Rich, Lord Chancellor, 149
 Richerdson, Rycherdson, Edward, 112; Thomas, 17
 Richmond, 144, 144ⁿ; Bailiffs, etc., of, 144; Duke of, 131, 131ⁿ, 144; lord of, 50
 Rievaux, Ryvaux, Abbot of, 67
 Rilston, 1ⁿ
 Ripley, John, *alias* Brown, Abbot of Kirkstall, 12ⁿ, 13; Richard, 16, 17
 Ripon, 17ⁿ, 29ⁿ
 Risby, 96, 97ⁿ
 Riston, 25, 25ⁿ
 Risworth, Ryshworth, Ann, 106ⁿ; Christopher, 106ⁿ; Edward, 106, 107; John, 106, 107; Robert, 106ⁿ
 River Thames, 44ⁿ
 River, Ryver, Elizabeth de la, 141, 142; Marmaduke de la, 108, 109, 141, 142; Thomas, 108ⁿ, 109, 142; William, 142
 Robynson, James, 73, 74, 75, 77, 117; John, 138; Thomas, 73, 74, 76, 116
 Robyn, John, 98
 Rokeby, Rokesby, Anne, 29, 34, 36; Dorothy, 29ⁿ, 149; Johanna, 28ⁿ; John, v, 28ⁿ, 29, 29ⁿ, 31, 34, 35; Ralph, Rauf, v, 28, 28ⁿ, 33, 35, 149
 Rokeby's servants, 33
 Rome, 137ⁿ
 Rooke, Rokys, James, vi, 36, 37, 38, 39, 148; Isabel, vi, vii, viii, 36, 37, 38, 39
 Roos, Rose, Rosse, Dorothea, 149; Joan, 117ⁿ; Mary, 117ⁿ; Lord, 64, 64ⁿ; Robert, 117ⁿ, 118, 149
 Roos of Ingmanthorpe, family of, 149
 Roper, Sir Thomas, 36
 Rotherham, vi, 50, 51, 138ⁿ
 Roucliffe, Roclyfe, 56, 60, 61; Brian, 26ⁿ; Margaret, 26, 26ⁿ, 27; Sir Brian, 26ⁿ; Sir John, 26, 26ⁿ, 27
 Roundall, Richard, Prior of Hea-
 laugh, 112ⁿ
 Rowth, Sir John, 57, 58, 59
 Royde, William, 23
 Roydes, John, 49; Nicholas, 49
 Runswick, 147
 Ruston, 67, 67ⁿ
 Ruswarp, Ryswarpe, 147
 Ryehill, Ryall, 94, 94ⁿ, 96
 Ryingrose, Christopher, 48
 Ryton, 62, 64, 65, 66, 67

 Saer, William, 60
 St. Basil, 148
 St. Chrysostom, 148
 St. Gregory, 148
 St. Helen, St. Tellen, 22, 22ⁿ, 23
 St. John, 148; Lord, 96
 St. John of Jerusalem, House of, 53
 St. Maria, Alice de, 112ⁿ; Jordan de, 112ⁿ
 St. Quintin, Senctquyntyn, Edmund, 98ⁿ
 St. William, 58
 St. Wolfride, 1
 Salisbury, Sir Robt. Cecil, Earl of, vii
 Salley, 93; Abbot of, 93
 Salton, Thomas, 10
 Salvin, Anne, 4ⁿ; Sir John, 4ⁿ
 Sandford, Nicholas, 41
 Sarcum, Robert, 47
 Saunderson, Christopher, 80, 81, 83
 Savell, Saveyll, Agnes, 42, 42ⁿ; Elizabeth, 44ⁿ; Henry, Herry, 44, 44ⁿ, 45, 49, 51, 52; Jane, 42ⁿ; Joan, 42ⁿ; John, 42ⁿ; Nicholas, 45; Robert, 42ⁿ, 43, 44ⁿ; Sir Henry, 44ⁿ; Sir John, 44ⁿ; Thomas, 42, 43, 44, 44ⁿ, 45
 Sawyer, Nicholas, 15

- Saxton, 73ⁿ
 Scales, 144ⁿ
 Scarborough, 76
 Scawceby, Elizabeth, 80; Thomas, 80, 81, 82, 83, 84
 Scote, Henry, 83
 Scotson, Christopher, 28
 Scott, John, 114
 Scrope of Bolton, Henry, Lord, 113ⁿ
 Scroton (Scruton), 15, 15ⁿ, 16
 Sedall, Robert, 93
 Senowys, Thomas, 76, 116
 Serleby, Robert, 14
 Settrington, 149
 Sewars, 151
 Sewell, John, 49
 Seyton, Edward, 111ⁿ; Joan, 111ⁿ
 Sharp, Sherp, John, 96; Peter, 98; Thomas, 96, 98
 Sheffield, Sheffield, Shefyld, 135, 143, 143ⁿ; Castle, 50; Ellen, 56ⁿ; Robert, 56, 56ⁿ, 57, 57ⁿ, 58, 59; Sir Robert, 56ⁿ, 57, 57ⁿ, 58
 Sherman, Henry, 39
 Shibden Hall, 42ⁿ, 44ⁿ
 Shire, Shere, Shyre, Thursday, 127, 149
 Shires, Brian, 25
 Shrewsbury, Shrovysbery, George Talbot, 4th Earl of, 49, 49ⁿ, 51; John Talbot, 3rd Earl of, 49ⁿ
 Shyppard, Thomas, 123, 124, 128
 Skargill, Skergill, Chapel, 130ⁿ; Christopher, 131, 132; Dorothy, 130ⁿ; Joan, 130ⁿ; Robert, 130, 130ⁿ, 131, 132; Waryn, 36; William, 130ⁿ
 Skeckling, 94ⁿ
 Skelton, 141; Peter, 62
 Skipton, Skepton, Skypton, 25, 26, 52, 53, 93; Castle, 53, 137
 Skipwith, Skypwith, Skypwyth, 4ⁿ, 72, 72ⁿ, 75, 101, 101ⁿ, 116; Vicar of, 74
 Skrymshawe, Skrymshay, William, 88, 89, 91, 92, 93
 Slatter, Thomas, 104
 Sledmere, 72ⁿ
 Slenyngforth, 68, 68ⁿ, 69
 Smyth,, 42ⁿ; John, 16; Margaret, 23ⁿ; Sir Henry, 23ⁿ; Thomas, 22, 73, 76, 77, 116; William, 109
 Smythe house, 23
 Smythson, Thomas, 56; Robert, 48, 56
 Snagill, 52
 Snawsell, Elizabeth, 10ⁿ; Katherine, 99ⁿ; Master, 11; Seth, 10, 10ⁿ, 99ⁿ; William, 10ⁿ, 99ⁿ
 Snape, 45ⁿ
 Snowys, Thomas, 73
 Sotehill, Sothill, Sotell, Soothill, Barbara, 25ⁿ; Elizabeth, 27, 27ⁿ, 44ⁿ; Henry, 27ⁿ; John, 25ⁿ, 27ⁿ; Thomas, 44ⁿ
 Sotheron, Thomas, 17
 South Cave, 16ⁿ, 56
 South Deighton, 87, 87ⁿ
 South Newbald, 16ⁿ
 Soweresby, Christopher, 82, 82ⁿ
Spelentes, 112
 Spelman, John, 144
 Spence, Catherine, 111ⁿ; Sir Robert, 111ⁿ
 Spencer Combe, 111ⁿ
 Spofforth, 27ⁿ, 86ⁿ
 Spynke, Spyncke, John, 75, 77
 Stabill, John, 4
 Stabyler, Dan. Thomas, 147
 Standishe, John, 8
 Stanley, Edward, 115ⁿ; Thomas, Lord Mounteagle, 114ⁿ, 115ⁿ
 Stansfeld,, 122, 127, 128
 Starky, Starkey, John, 142; Laurence, 115ⁿ; Richard, 143
Statute of Northampton, 88
 Staynson, Dom John, 146
 Steeton, Steton, 6, 6ⁿ, 36, 109ⁿ
 Stevenson, Stevynson, John, 70; Robert, 70; Thomas, 6, 6ⁿ
 Stevyn, Thomas, 17
 Steyll, Christopher, 68, 69; Elizabeth, 68, 69
 Stockeld, 87ⁿ
 Stockfaston, 27ⁿ
 Stokes, Stookes, Anne, 10ⁿ; Bridget, 9, 9ⁿ, 11, 35ⁿ; Robert, 9ⁿ, 10, 10ⁿ, 35ⁿ
 Stokes chapell, 10
 Stokesley, Dr., 95, 95ⁿ
 Stopes, Richard, Abbot of Meaux, 95
 Stopforthe, Thomas, 49
 Storme, William, 24
 Stowe, 53ⁿ
 Stowte, Robert, 80, 81
 Strangways, Stranguyssh, James, 149; John, 4; Mary, 117ⁿ; Sir James, 117ⁿ
 Streatham, 144ⁿ
 Strensall, 84
 Strethornes, 109, 109ⁿ
 Strickland, Katherine, 133, 133ⁿ; Lady Katherine, 54ⁿ; Mrs., vi; Sir Walter, 133, 133ⁿ
 Studley Royal, 61ⁿ
 Styll, Dan. William, 147
 Sudibye, John, 134
 Suffolk, Charles, Duke of, 114ⁿ
 Sully, John, 106

- Supplicabit, Writ of*, 109, 109*n*
 Sussex, Robert, Earl of, 8, 8*n*, 9, 9*n*
 Suthayke, Richard, 93, 94
 Sutton, 34*n*
 Swaill, Richard, 22, 24
 Swale, John, 44
 Swan, Robert, 98
 Swinton, 128*n*
 Swyfte, Robert, 135
 Sygysworth, Myls, 61
 Sysson, Jane, 99; Katherine, 99*n*;
 Oswald, 99, 99*n*, 100

 Tadcaster, 110, 111, 112*n*, 113, 114,
 126
 Talbot, George, Earl of Shrewsbury,
 49*n*; John, Earl of Shrewsbury,
 49*n*
 Tanfeld, Tanefeld, Henry, 21, 23;
 Simon, 22
 Tankard, Richard, 56, 56*n*, 60, 60*n*;
 William, ix, 56*n*, 91, 92, 93
 Tankersley, 49, 49*n*
 Tateham, Edmonde, 9; Thomas, 9
 Taylor, Taillor, Tayliour, Alice, 62,
 67; James, 143; John, 120, 127,
 143; Robert, 62, 63, 64, 66, 67,
 143; William, 63, 135
Taynings, 63, 63*n*
 Tempest, Sir Richard, 121, 122, 123,
 125, 126, 127
 Tesh, Teshe, Margaret, 103*n*; Tris-
 tram, 103, 103*n*
 Tewell, Thomas, 17
 Thirsk, Thryske, 142; William, Abbot
 of Fountains, 2, 2*n*
 Thomas, Lord Cardinal of Rome, 36;
 Lord Legate, 70
 Thomas, Robert, 107; William, 108
 Thomlyn, Robert, 100
 Thornhill, Thornhyll, 44, 44*n*, 49
 Thorn-in-Holderness, 134
 Thornton, 63*n*; John, 18, 20, 21, 22,
 24, 41, 41*n*, 42; Robert, 41*n*
 Thornton Bridge, Brigge, 54*n*, 55*n*,
 133*n*
 Thornton-in-Lonsdale, 8*n*
 Thornton-on-the-hill, 71
 Thornton's servant, 44
 Thorpe Audlin, 122*n*
 Thorpe-le-Willows, 91*n*
 Thorpe Underwood, 78, 78*n*
 Thorp Stapleton, 130*n*
 Threshfield, Thresfeld, 1, 1*n*
 Thwaites, Thwaytes, Isabel, 6*n*, 7*n*,
 109*n*; John, 6*n*; Thomas, 6*n*,
 109*n*; Sir William, 7*n*; William,
 112, 112*n*
 Tickhill, Thomas, Prior of Monk-
 bretton, 33*n*

 Thyrsk, John, 82
 Tilthall, Manor of, 32*n*
 Tod, Todd, Christopher, 62; Peter,
 70; Thomas, 62
 Tomlynson, William, 101
 Tomson, Thomson, Andrew, 29, 36;
 Christopher, 53; John, 93, 94, 104,
 138; William, 134
 Topclyff, 112
 Tothe, John, 98, 98*n*
 Townley, 37*n*; Helen, 37*n*; Sir John,
 37*n*
 Trefett, William, 49
 Trystram, John, 53
 Tunstall, Cuthbert, 56*n*; Lawrence,
 44; Robert, 44, 46
turfes and flawtes, 76
 Twyssel, Robert, 16
 Tyburn, 1*n*, 2*n*
 Tyllishall, 32
 Tylse, Great, 32*n*
 Typlyng, William, 87, 88
tyteling, 90

 Unthank, 149
 Upton, Thomas, 123, 124, 125, 126,
 127, 128
 Utas of St. Michael, 89

 Vaile, Harryngton, 23
 Vavasour, Ann, 113*n*; Henry, 113;
 Jane, 65*n*; John, 65*n*, 113*n*; Mar-
 garet, 23*n*; Sir Thomas, 23*n*;
 Thomas, 23, 23*n*; William, 23*n*
 Vesey, Veisie, Dr. John, 80, 80*n*

 Wade, Roger, 49
 Wadsworth, Waddesworth, 107, 107*n*
 Wakefield, Wakeffeylde, vii, 36, 37,
 38, 40, 41, 127; Rectory Manor of,
 vii; Vicar of, vii
 Wakefield, Robert, 118
 Walford, 36
 Walker, Wawker, John, 55; Richard,
 16; William, 87
 Walton, 18, 18*n*, 22, 24
 Walwyn, Rauff, 10
 Ward, Warde, Anne, 54*n*; Christo-
 pher, 54; Gilbert, 29, 36; Joan,
 54*n*; John, 4; Richard, 138; Sir
 Christopher, 54*n*; Sir Roger, 54*n*;
 Thomas, 98; William, 4
 Wardell, Anthony, 11
 Wards, Master of the, 35, 59
 Wardmarch, 128*n*
 Warton (Wiverton), 42*n*
 Warwyk layne, 33
 Waterford, George Talbot, Earl of,
 49*n*
 Wath, 25*n*

- Watson, Dan. John, 147; John, 17;
 Roberd, 3; Thomas, 51
 Watterson, Richard, 118
 Waukington, Edmond, 17
 Wayerdman, Thomas, 52
 Wayne, Thomas, 99
 Waynwryte, William, 49
 Wayste, John, 55
 Weaverthorpe, 72ⁿ
 Wedderby, Waldbby, Wauldby, 99,
 99ⁿ
 Welles, Robert, 16
 Welstropp, Master Guy, 78, 78ⁿ, 79;
 Miles, 78ⁿ
 Wentbridge, Wentbryge, 122, 122ⁿ
 Wentworth, Anne, 54ⁿ; John, 35,
 54ⁿ
 Wersoppe, Walter, 135
 West, Anne, vi, 29ⁿ; George, vi, 29ⁿ;
 John, vi, 129; Robert, 62, 67
 West Butterwyk, 57, 57ⁿ
 West Rounton, Westrungton, 3, 3ⁿ, 4
 West Woode, 82, 83
 Westall, William, 138
 Westmerland, John, 17
 Westminster, 18, 21, 38, 69, 79, 86,
 127
 Westmoreland, Ralph, Earl of, 27ⁿ
 Weston, Sir Richard, 35; William,
 prior of St. John of Jerusalem, 53,
 53ⁿ
 Wetherby, 7ⁿ, 117ⁿ
 Wetherell, Henry, 91, 92, 93
 Whadshaw, James, 138
 Whashton, 144ⁿ
 Wheldrake, Weldrike, 101, 101ⁿ
 Whiston, 138ⁿ
 Whitby, Abbot of, 145; Monastery
 of, 146; Monks of, 145, 147;
 Stewardship of, 147
White Doe of Rilston, 25ⁿ
 Whitkirk Church, 130ⁿ
 Whixley, Qwykksley, 78, 78ⁿ
 Wilforde, Hugh, 29, 30
 Wilkynson, Wylkynson, vii; John,
 21, 22, 23; Robert, 14, 36, 39;
 Thomas, 72
 William, Abbot of Fountains, 2
 William, horsekeeper, 36
 Wilson, Wylson, Harry, 63; John,
 101, 102; Richard, 49, 52; Robert,
 49, 51, 52; William, 10
 Wilstrop, 10ⁿ; Sir Oswald, 10, 10ⁿ,
 11; Master Oswald, 10ⁿ, 11
 Winestead, 95
 Winterborne, Winterburn, 52, 136,
 136ⁿ, 137
 Wiverton (Warton), 42ⁿ
 Wodde, William, 24
 Woderoffe, Thomas, 122
 Wodhouse, George, 47
 Woodkirk, Wodkyrke, 121, 121ⁿ, 123
 Wollow Hall, 127
 Wolsey, Cardinal, vii
 Wombwell, 119, 119ⁿ, 120, 122, 123,
 125, 126, 127, 128; Hall, viii
 Wombwell, Henry, viii, 119, 119ⁿ,
 120, 121, 122, 123, 124, 125, 126,
 127; Katherine, 119ⁿ, 120, 121,
 123, 124, 125, 126; Roger, 119ⁿ,
 124; William, 119ⁿ
 Womersley, Wymbersley, 47
 Worcester, Nicholas Heath, Bp. of,
 107, 107ⁿ
 Worsell, 60
 Wortley, 49, 50, 51, 52; Park, 49, 51
 Wortley, Sir Thomas, 108ⁿ
 Wrichte, Wryght, Antony, 117, 118;
 John, 130; Thomas, 17, 138
 Wroo, William, 131, 132, 133
 Wryne, Raphe, 130, 132
 Wycle, Robart, 102
 Wylden, Gyles, 55
 Wynde, Richard, 116; William, 131
 Wynne, Richard, 73, 75, 76, 77
 Wyt, 125, 125ⁿ
 Wythers, Master, 145, 146
 Wytley, Wheatley, 32, 32ⁿ
 Wyvell, Christopher, 144ⁿ
 Yan, Robert, 17
 Ybson, John, 65
 Yong, William, 16
 York, 18, 24, 34, 49, 79, 84, 86, 90,
 99ⁿ, 130, 130ⁿ; Archbishop of, 27,
 29, 38, 80ⁿ, 103, 103ⁿ, 104, 104ⁿ,
 105, 107; Assize, 123; Castle, 87;
 Consistory Court, vj, vii; Dean of,
 37, 37ⁿ, 39, 40, 71, 71ⁿ, 72; Lord
 Mayor of, vii, 40; Minster, 37;
 Sheriffs of, 79
 York, Davy Hall, 6ⁿ
 Yorke, Bartilmewe, 104, 104ⁿ; Sir
 Richard, 104ⁿ; Thomas, 104ⁿ
 Zyt, 146, 146ⁿ

